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OF THE

GOVERNOR-GENERAL OF INDIA

IN COUNCIL

OF 1868;

WITH ABSTRACTS PREFIXED, TABLE OF CONTENTS, AND INDEX.

In Continuation of Acts from 1834 to the present time.

BY

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ACT No. I OF 1868.

(Received the assent of the Governor-General on the 3rd January 1868.)

An Act for shortening the language used in Acts of the Governor-General of India in Council, and for other purposes.

Recites the expediency of shortening the language used in Acts of the Governor-General of India in Council.

1. Names the Act "The General Clauses' Act, 1868."

2. Prescribes Rules of Interpretation as to (1) the genders; (2) the plural and singular number; the words (3) "Person;" (4) "Year;" and "Month;" (5) "Immovable Property;" (6) "Movable Property;" (7) "Her Majesty;" (8) "British India;" (9) Government of India;" (10) "Local Government;" (11) "High Court;" (12) "District Judge;" (13) "Magistrate;" (14) "Barrister;" (15) "Section;" (16) "Will;" (17) "Oath," "Swear," and "Affidavit;" (18) "Imprisonment;" (19) "Son" and "Father."

3. Prescribes Rules of Construction (1) as to the revival of repealed enactments; (2, 3) as to the computation of time where the words "from" and "to" are used; as to (4) the application of regulations respecting chiefs of Offices to their Deputies and Subordinates; (5) and of laws respecting corporations to their successors; and (6) of regulations respecting Officers by their official names, to all functionaries exercising their offices.

4. Customs, and excise, and like duties, imposed on units, may be levied *pro ratâ* on fractional parts of the units.

5. The Indian Penal Code, Sections 63 to 70, and the Code of Criminal Procedure, Section 61, as to fines, shall apply to all fines hereafter imposed.

6. The repeal of any Act, &c., shall not affect any thing done under it before the repeal.

7. All Courts of Justice shall take Judicial notice of all Acts, &c., heretofore or hereafter made by the Governor-General of India in Council, the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant-Governor of Bengal in Council, or by the like authority in other parts of India.

8. Recitals in any Act of the Governor-General of India in Council, to be deemed by the Courts *primâ facie* evidence of the truth of the fact recited.

WHEREAS it is expedient to shorten the language used in Acts made by the Governor-General of India in Council, and to make certain provisions relating to such Acts; It is hereby enacted as follows:—

Preamble.

Short title.

I. This Act may be cited as "The General Clauses' Act, 1868."

Interpretation-clause.

II. In this Act and in all Acts made by the Governor-General of India in Council after this Act shall have come into operation,—unless there be something repugnant in the subject or context,—

Gender.

(1.) Words importing the masculine gender shall be taken to include females;

Number.

(2.) Words in the singular shall include the plural, and *vice versâ*;

"Person."

(3.) "Person" shall include any company, or association, or body of individuals, whether incorporated or not;

"Year" and "month."

(4.) "Year" and "month" shall respectively mean a year and month reckoned according to the British calendar;

"Immoveable property."

(5.) "Immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

"Moveable property."

(6.) "Moveable property" shall mean property of every description, except immoveable property;

"Her Majesty."

(7.) "Her Majesty" shall include Her heirs and successors to the Crown;

"British India."

(8.) "British India" shall mean the territories for the time being vested in Her Majesty by the Statute 21 & 22 Vic., cap. 106 *(An Act for the better government of India)*, other than the Settlement of Prince of Wales' Island, Singapore, and Malacca;

(9.) "Government of India" shall denote the Governor-General of India in Council, or, during the absence of the Governor-General of India from his Council, the President in Council, or the Governor-General of India alone, as regards the powers which may be lawfully exercised by them or him respectively ;

"Government of India."

(10.) "Local Government" shall mean the person authorized by law to administer executive government in the part of British India in which the Act containing such expression shall operate, and shall include a Chief Commissioner ;

"Local Government."

"High Court."

(11.) "High Court" shall mean the highest Civil Court of appeal in such part ;

(12.) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction ; but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction ;

"District Judge."

(13.) "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure ;

"Magistrate."

"Barrister."

(14.) "Barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland ;

"Section."

(15.) "Section" shall denote a section of the Act in which the word occurs ;

(16.) "Will" shall include a codicil and every writing making a voluntary posthumous distribution of property ;

"Will."

(17.) "Oath," "swear," and "affidavit," shall include affirmation, declaration, affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing ;

"Oath," "swear," and "affidavit."

(18.) "Imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code.

"Imprisonment."

(19.) And in the case of any one whose personal law permits adoption, "son" shall include an adopted son; and "father" an adoptive father.

"Son." "Father."

III. In all Acts made by the Governor-General of India in Council after this Act shall have come into operation :—

(1.) For the purpose of reviving, either wholly or partially, a Statute, Act, or Regulation repealed, it shall be necessary expressly to state such purpose;

Revival of repealed enactments.

(2.) For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word "from;"

Commencement of time.

(3.) For the purpose of including the last in a series of days or any other period of time, it shall be sufficient to use the word "to;"

Termination of time.

(4.) For the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior;

Official chiefs and subordinates.

(5.) For the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations; and

Successors.

(6.) For the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

Substitution of functionaries.

IV. Whenever by any Act or Regulation now in force, or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure, or value of any goods or merchandize, a like duty shall be leviable according to the same rate on any greater or less quantity.

Duty may be taken *pro ratâ*.

V. The provisions of sections 63 to 70, both inclusive, of the Indian Penal Code, and of section 61 of the Code of Criminal Procedure, shall apply to all fines imposed under the authority of any Act hereafter to be passed, unless such Act shall contain an express provision to the contrary.

Recovery of fines.

VI. The repeal of any Statute, Act, or Regulation, shall not affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the repealing Act shall have come into operation.

Matters done under an enactment before its repeal to be unaffected.

VII. All Courts of Justice, whether exercising civil or any other jurisdiction, and all persons having by law or consent of parties authority to receive evidence, shall take judicial notice of all Acts and Regulations heretofore made, or hereafter to be made, by the Governor-General of India in Council, the Governor of Madra in Council, the Governor of Bombay in Council, and the Lieutenant-Governor of Bengal in Council, or by the like authority in other parts of British India, whether the same be of a public or of a private nature.

Judicial notice to be taken of Acts.

VIII. Any recital contained in any Act of the Governor-General of India in Council heretofore made, or hereafter to be made, shall be deemed by all such Courts and persons to be *primâ facie* evidence of the truth of the fact recited.

Recital to be *primâ facie* evidence of truth of fact recited.

COCHIN PEPPER DUTY.

ACT No. II OF 1868

(Received the assent of the Governor-General on the 24th January 1868.)

An Act to alter the rate of duty leviable on Pepper exported from Cochin.

Recites the provision of Act III of 1861, and of the Consolidated Indian Customs' Act of 1867, and reductions of the Pepper Duty by the Governments of Travancore and Cochin, &c.

1. Establishes a maximum of 9 rupees per Candy on Pepper exported from Cochin, &c.

2. Makes this Act part of Act III of 1861.

Preamble.

WHEREAS Act No. III of 1861 *(to provide for the collection of duty of customs on pepper exported by sea from the British port of Cochin)* provides that a duty of fifteen rupees a candy shall be levied on all pepper exported by sea from the British port of Cochin; and whereas the Indian Customs Duties' Act, 1867, provides that a duty of three per cent. shall be levied on pepper exported from British India; and whereas the Governments of Travancore and Cochin have recently reduced the duty on pepper exported from their ports, from rupees fifteen to rupees nine per candy; and whereas it is expedient that the duty leviable on pepper so exported from the said port should not exceed the said reduced duty; It is hereby enacted as follows:—

Duty leviable on pepper exported by sea from Cochin.

I. In lieu of the duty prescribed by the said Acts or either of them, there shall be levied a duty not exceeding nine rupees a candy on all pepper exported by sea from the said port of Cochin; and the Governor of Fort St. George in Council may from time to time determine the exact rate of duty to be levied under this Act.

Act to be read with Act No. III of 1861.

II. This Act shall be read with, and taken as part of, the said Act No. III of 1861.

PUNJAB ASSISTANT COMMISSIONERS AND TAHSILDARS.

ACT No. III. OF 1868.

(Received the assent of the Governor-General on the 7th February 1868.)

An Act to authorize the Local Government of the Punjab to invest any person with the powers of an Assistant Commissioner or Tahsíldár.

1—2. Empowers the Local Government to invest any person with the full powers or special powers or ordinary powers of an Assistant Commissioner or of a Tahsíldár under Act XIX of 1865; and (2) where three such persons act as a Court, the decision of the majority to prevail; (3) makes valid specified decrees; and (4) defines operation of Act.

I. The Local Government may, by notification in the official *Gazette*, invest any person with the powers of an Assistant Commissioner with full powers, or of an Assistant Commissioner with special powers, or of an Assistant Commissioner with ordinary powers, or of a Tahsíldár, as described in Act No. XIX of 1865, within such local limits as it may think proper, and may from time to time withdraw any of such powers.

The Local Government may invest persons with certain powers.

The Local Government may also, by such notification as aforesaid, direct that any of the powers conferred under this Act shall be exercised only with reference to such class of suits as may be specified in the notification.

II. When any of the powers conferred under this Act shall be exercised by three or more persons sitting together as a Court, and each invested with the same powers, the decision of the majority of such persons shall be deemed to be the decision of the Court.

Decision of Court consisting of persons exercising powers under the Act.

III. All decrees and proceedings heretofore passed and taken by any person invested by the Local Government, otherwise than under Act No. XIX of 1865, with powers to try and decide civil suits, shall be as valid as if this Act had then been passed and such powers had been conferred hereunder.

Saving of passed decrees.

IV. This Act shall extend only to the territories for the time being under the Government of the Lieutenant-Governor of the Punjab.

Extent of Act.

VILLAGES IN BOMBAY PRESIDENCY MADE NON-REGULATION.

ACT No. IV OF 1868.

(Received the assent of the Governor-General on the 14th February 1868.)

An Act to exempt certain villages in the Bombay Presidency from the operation of the Regulations and Acts in force in that Presidency.

Recites expediency of exempting specified villages from the operations of the Regulations.

1. Repeals Bombay Regulations XXIX of 1827, Act VI of 1842, and Act III of 1863 of the Bombay Council.

Schedule.—Names of the Villages.

Preamble.

WHEREAS the villages mentioned in the schedule to this Act have, by virtue of the enactments hereinafter specified, been brought under the operation of the Regulations and Acts in force in the Presidency of Bombay; and whereas it is expedient to exempt such villages from the operation of the Regulations and Acts aforesaid; It is hereby enacted as follows:—

Repeal of enactments.

I. So much of Regulation XXIX of 1827 of the Bombay Code, and of Act No. VI of 1842 of the Governor-General of India in Council, and of Act No. III of 1863 of the Governor of Bombay in Council, as relates to the said villages is hereby repealed.

SCHEDULE.

NAME OF VILLAGE.	DISTRICT.	Law by which each Village was brought under the Regulations and Acts of the Presidency of Bombay.
1. The Punt Sucheo's Village of Aptee, Turuf Hirdus, Mawul ..	Poona ...	Bombay Reg. XXIX of 1827.
2, 3, 4. The Punt Sucheo's Villages of Watar, Bhambourdy, and Goonund in that part of the Turufs of Neer Thurree and Seerwul which lies north of the Neera River		
5. The Duflay's Village of Moochundee in Pergunnah Jutt ..	Belgaum ...	Act VI of 1842.
6. The Sangleekur's Village of Dorlee in Kuryat Sawurday ...	Sattara ...	Bombay Act III of 1863.
7. The Sangleekur's Village of Borgaum in Kuryat Digraj ...		
8. The Meerujkur's Village of Dooput Borgaum in Kuryat Doodgaum		
9. The Village of Sungum Mahoolee, Turuf Wundun, belonging to the Punt Prithinidhee ...		
10. The Village of Kinhee, Summut Koreygam, belonging to the Punt Prithinidhee		

COMMISSIONER IN SIND.

ACT No. V. OF 1868.

(Received the assent of the Governor-General on the 13th March 1868.)

An Act to enable the Governor of Bombay in Council to delegate to the Commissioner in Sind certain of the powers of a Local Government.

1. Empowers the Government of Bombay to delegate to the Commissioner in Sind all or any of the powers of itself as the Local Government of the Province of Sind, under the Bombay Regulations or any Act solely applicable to Bombay, &c.

2. Empowers the Government of Bombay, with the consent of the Governor-General in Council, to delegate to the Commissioner in Sind all or any of the powers conferred on itself, as the Local Government of Sind, by any Act of the Governor-General in Council.

3. Makes valid Acts of the Commissioner in Sind as if they had been done by the Bombay Government.

Governor of Bombay in Council may delegate to Commissioner in Sind certain powers of Local Government.

I. It shall be lawful for the Governor of Bombay in Council, by a notification published in the Bombay Government *Gazette*, to delegate to the Commissioner in Sind all or any of the powers conferred on the said Governor in Council, as the Local Government of the Province of Sind, by any of the Bombay Regulations, or by any Act of the Governor-General of India in Council solely applicable to the Presidency of Bombay, or by any Act passed heretofore or hereafter by the Governor of Bombay in Council, or by any of the Acts of the Governor-General of India in Council mentioned in the schedule to this Act.

Governor of Bombay in Council may, with consent of Governor-General in Council, delegate to Commissioner of Sind certain powers of Local Government.

II. It shall be lawful for the Governor of Bombay in Council, with the consent of the Governor-General of India in Council, to delegate to the Commissioner in Sind all or any of the powers heretofore or hereafter conferred by any Act of the Governor-General of India in Council on the Governor of Bombay in Council as the Local Government of the Province of Sind.

III. All acts done by the Commissioner in Sind under the authority of any power so delegated, shall be as valid as if they had been done by the Governor of Bombay in Council.

Validation of acts of Commissioner.

SCHEDULE.

Act XXVI of 1850 (to enable improvements to be made in Towns).

Act VII of 1854 (for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them).

Act XXV of 1861 (for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter).

Act VI of 1863 (to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India).

Act VII of 1865 (to give effect to Rules for the management and preservation of Government Forests).

NORTH-WESTERN PROVINCES.—MUNICIPAL COMMITTEES.

ACT VI OF 1868.

(Received the assent of the Governor-General on the 20th March 1868.)

An Act to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes.

Recites the expediency of making better provision for the appointment of Municipal Committees, Police, Conservancy, &c., execution and levying of taxes, &c.

PART I.

Preliminary, 1—5.

1. Names the Act.

2. Interprets the words, "Committee," "Municipality," "Lieutenant-Governor."

3—4. Empowers the Lieutenant-Governor to extend the Act to any town, &c., and (4) to define the limits of such towns, &c.

5. Declares existing Municipal Committees to be Committees under this Act; and abrogates Act XXVI of 1850 when this Act shall come into operation.

PART II.

Appointment of Municipal Committees, 6—7.

6—7. Authorizes Lieutenant-Governor, on extension of this Act, to appoint, or direct to be elected, a Municipal Committee to continue for two years, and to regulate such elections, and gives him power to remove members for specified causes, and fill up vacancies, and also to appoint ex-officio members, in what proportion; and (7) and to appoint or authorize, &c., the election of a President and Vice-President; Secretary to be appointed by Committee.

PART III.

Offices and Meetings of Committees, 8—10.

8—10. Directs that Committee shall have an office; and (9) prescribes rules respecting meetings, a quorum, dissolutions and adjournments, business to be transacted, voting, publication of proceedings; and (10) correspondence between the Government and the Committee.

PART IV.

Powers of Committees, 11—21.

11—13. Empowers the Committee to define the persons or property to be taxed and rate of taxation, subject to sanction of Lieutenant-Governor, and to vary the taxation; and directs what the taxes may be, *viz.*, on houses, &c., professions, &c., carriages and animals, and tolls, &c., and an octroi, but no others, leviable without the sanction of the Government of India; (12) confirmation under rules, of taxes imposed, is necessary; but (13) no rate imposed shall be invalid for defect of form.

14—17. Empowers Committees to make rules on specified subjects; and (15) to make provision for their enforcement; and (16) may at special Meetings alter the same; (17) such Bye-laws, &c., to be subject to confirmation by Lieutenant-Governor, &c., and Bye-laws, &c., to be published.

18—19. Empowers Committees to issue injunction against nuisance; and (19) to suppress the same under the Criminal Procedure Code, Section 308, and Chap. 20.

20. Empowers Committees to purchase land, &c.

21. Empowers Lieutenant-Governor in Council to cancel or suspend proceedings, &c., of Committees, and to abolish any tax.

PART V.

Rights, Duties, and Liabilities of Committees, 22—31. *Municipal Fund*, 22—24. *Municipal Police*, 25—26. *Annual Reports*, 27. *Public Highways*, 28. *Land required for public purposes*, 29. *Suits by and against Committees*, 30—31.

22—26. Fund to be called the Municipal Fund, to be formed of what; (23) where to be kept; and (24) to be appropriated to what purposes; and (25) to be applied in the first place to provision for Police establishment, such establishment to be fixed how; and (26) Police to have what special powers.

27. Committees to make annual reports, containing what particulars.

28—31. All public ways not reserved by Government to be vested in Committee; and (29) Committees to have power to take land for public purposes, and (30) to sue and to be sued in the name of President; (31) but not to be sued without notice, nor later than three months after cause of action, and tender of sufficient amends to be a good plea to action.

PART VI.

Penalties and Prosecutions, 32—35.

32—35. Prohibits members of Committees from being interested in any contract, under a penalty; and (33) establishes penalty for infringement of Bye-laws; and (34) authorizes prosecutions by Committee, &c.; and (35) makes arrears of taxes recoverable as fines.

Preamble.

WHEREAS it is expedient to make better provision for the appointment of Municipal Committees in the North-Western Provinces of the Presidency of Fort William, and for the police, conservancy and local improvements, and for education, and for the levying of rates and taxes in the places to which this Act may be extended; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

I. This Act may be called "The Municipal Improvements' (North-Western Provinces) Act, 1868."

Interpretation-clause.

II. In this Act, unless there be something repugnant in the subject or context—

"Committee." "Committee" means a Municipal Committee appointed under the provisions of this Act;

"Municipality." "Municipality" means any town or towns to which this Act may be extended;

"Lieutenant-Governor." "Lieutenant-Governor" means the Lieutenant-Governor of the said Provinces.

Power to extend Act.

III. The Lieutenant-Governor may extend this Act, by notification in the local official Gazette, to any town or towns in the territories under his Government.

Power to define limits of places to which Act extends.

IV. For the purposes of this Act, the Lieutenant-Governor may from time to time, by notfication in the local official *Gazette*, define the limits of any town, and may include within the limits of such town any Railway station, village, building, or land in the vicinity:

Provided that no cantonment shall, without the previous consent of the Governor-General of India in Council, be deemed to be a town for the purposes of this Act.

The Lieutenant-Governor may from time to time, by notification in the local official Gazette, declare to be united for the purposes of this Act any two or more towns, and may also declare by what name the Municipality so formed shall be designated.

Existing Committees to be deemed Committees under this Act.

V. All Municipal Committees hitherto appointed under the orders of the Lieutenant-Governor shall be deemed Committees under this Act, and shall continue in office until a Committee shall have been appointed or elected under section six.

Act No. XXVI of 1850 *(to enable improvements to be made in towns)* shall cease to have effect in the towns into which it has been introduced, except as to any act done or liability incurred under it:

Provided that all rules made and taxes imposed under Act No. XXVI of 1850, which have been approved by the Lieutenant-

Governor, shall continue in force and recoverable as if they had been made and imposed under the provisions of this Act.

PART II.

APPOINTMENT OF MUNICIPAL COMMITTEES.

Committees appointed by Lieutenant-Governor or election.

VI. In any Municipality to which this Act shall have been extended, the Lieutenant-Governor may appoint or direct to be appointed by election, for such period not exceeding two years as to him may seem fit, any number of the inhabitants of such Municipality, to be members of a Committee for carrying out the purposes of the Act.

The persons so appointed shall continue in office for two years or until their successors shall have been appointed, and shall be eligible for re-appointment.

In cases when the Lieutenant-Governor directs the appointment to be by election, he may fix the time and manner of the election and the qualification of the electors, and generally may make such rules as he shall think fit for regulating the election.

Removal of members.

The Lieutenant-Governor may from time to time remove any of the members of the Committee so appointed, who shall desire to be discharged, or refuse or become incapable to act, or be convicted of an offence punishable under the Indian Penal Code with imprisonment for a term of not less than six months. The Lieutenant-Governor may also, if he think fit, on the recommendation of the Committee, add to their number, and fill up vacancies occurring among them.

Every member so appointed shall have the same powers, and be subject to the same liabilities, and vacate his office, and be eligible for re-appointment, as if he had been originally appointed a member under the first clause of this section.

Ex-officio members.

In addition to the members appointed as aforesaid, the Lieutenant-Governor shall have power to appoint, by notification in the official *Gazette*, ex-officio members of the Committee for every place in which they

exercise their offices, and to which this Act shall have been extended:

Provided that the number of such ex-officio members shall not be more than one-third of the total number of the Committee.

Appointment of president and vice-president.

XII. The Lieutenant-Governor may also appoint the president and vice-president, or either of them, of any Committee, or sanction the election by any Committee of one of their members as president or as vice-president.

Appointment of secretary.

The Committee may appoint any one of their members or any other person to be their secretary.

Notification of appointments.

All appointments made under this section shall be notified in the local official *Gazette*.

PART III.

OFFICE AND MEETINGS OF COMMITTEES.

Committee to have an office.

VIII. The Committee shall have an office, where they shall meet for the transaction of business at least once in every month.

Chairman at meetings.

IX. The president, or in his absence the vice-president, shall take the chair at every meeting of the Committee. In the absence of both the president and vice-president, the members present may elect a chairman for the occasion.

The meetings shall be either general or special.

The president or vice-president may, whenever he thinks fit, and he shall, upon a requisition made in writing by not less than one-fifth in number of the members, convene a meeting.

Notice shall be given of every such meeting, and when the meeting is to be special, at least three days' notice thereof shall be given. Every notice shall state the general nature of the business to be transacted at the meeting proposed to be called.

Quorum.

The quorum necessary for the transaction of business at a general meeting shall be three.

The quorum necessary for the transaction of business at a special meeting shall be one-half of the total number of members at the time of the meeting; and at least two-thirds of such quorum shall consist of non-official members.

Dissolution.

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if summoned by the president or vice-president, shall be dissolved.

Adjournment.

In any other case it shall stand adjourned to the same day in the next week at the same time and place. And if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

All business may be transacted at a general meeting which this Act does not require to be transacted at a special meeting.

Voting.

Casting vote.

All questions which may come before the Committee at any meetings shall be decided by a majority of votes. Every member shall have one vote. In case of equality of votes, the chairman shall have a casting vote.

Publication of proceedings.

Such decisions shall be recorded in a book kept for the purpose, and shall be published in some local English or vernacular newspaper, or in such other manner as the Lieutenant-Governor may from time to time direct.

Correspondence between Committee and Local Government.

X. All correspondence between the Committee and the Local Government shall pass through the Commissioner of the Division.

The Commissioner of the Division shall be entitled to make such suggestions for the consideration of the Committee as he may deem fit; and the Committee shall furnish him with any information he may call for, connected with the duties imposed upon them by this Act.

PART IV.

POWERS OF COMMITTEES.

Power to make assessments and levy taxes.

XI. The Committee may, at a special meeting, define the persons or property within the Municipality to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed.

If such taxes receive the sanction of the Lieutenant-Governor, but not otherwise, the Committee may, at a special meeting, impose them accordingly.

The Committee may, at a special meeting, with the same sanction, cancel or vary any tax so imposed.

Such taxes may be all or any of the following :—

(1.)—A tax on houses, buildings, and lands, according to the annual value thereof, not exceeding seven and a half per cent. of such value ;

(2.)—A tax on professions and trades ;

(3.)—Taxes on carriages, horses, mules, elephants, camels, bullocks, and asses ;

(4.)—Tolls on carriages, carts, and animals entering the limits of the Municipality ;

(5.)—An octroi on articles brought within the said limits for consumption or use therein : Provided that a list of such articles shall have been submitted to and approved by the Lieutenant-Governor : Provided, also, that the Lieutenant-Governor shall have power to exempt from the octroi any such articles intended for consumption or use by any class of persons or animals.

No other species of tax shall be imposed without the previous sanction of the Governor-General of India in Council.

Taxes to be confirmed.

XII. No tax shall be collected until it shall have been confirmed by such persons and in such manner as the Lieutenant-Governor shall appoint.

Rules for confirmation and collection of taxes.

The Lieutenant-Governor may from time to time make rules as to the persons by whom and the manner in which any assessment of taxes under this Act shall be confirmed, and for the collection of such taxes.

The Lieutenant-Governor may from time to time repeal, alter, or add to such rules.

No rate invalid for defect of form.

XIII. No rate on property made under this Act shall be invalid for defect of form, and it shall be enough, in any such rate on property or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Rules and Bye-laws.

Power of Committees to make rules.

XIV. Every Committee may at a special meeting make rules consistent with this Act, for regulating the time and place of their meeting, the conduct of their business, the restricting of the amount or objects of expenditure under section twenty-four, the division of duties among the members of the Committee, the salaries, appointment, suspension, and removal of the officers and servants of the Committee, and other similar matters.

Enforcement of rules and regulations.

XV. The Committee may appoint one or more of their number to carry out their resolutions, and to enforce the rules and bye-laws made under the provisions of this Act for the protection of the public health, or they may appoint a special officer for such purposes.

Power to make bye-laws as to nuisances, and registration of births, marriages, and deaths.

XVI. The Committee may at a special meeting make bye-laws for defining, prohibiting, and removing nuisances, which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 *(for the regulation of Police)*, and for the securing of a proper registration of births, marriages, and deaths, and for carrying out all or any of the purposes of this Act.

The Committee may from time to time, at a special meeting, repeal, alter, or add to such bye-laws.

XVII. No bye-law and no alteration or repeal of, or addition to, a bye-law shall have effect until it shall have been confirmed by the Lieutenant-Governor.

Confirmation of bye-laws.

All bye-laws made under this Act, and all rules made under section fourteen, and all alterations and repeals of, and additions to, such bye-laws and rules, shall be published for such length of time and in such manner as the Lieutenant-Governor shall from time to time direct.

Publication of bye-laws.

Nuisances.

XVIII. Every Committee may enjoin within the limits of the Municipality any person not to repeat or continue a public nuisance. Every such injunction shall be deemed to have been made by a public servant.

Power to prohibit repetition or continuance of nuisances.

XIX. Every Committee which the Lieutenant-Governor shall authorize in this behalf, may, so long as such authorization continues, exercise the powers of a Magistrate of a District as described in section 308 of the Code of Criminal Procedure for the removal of nuisances, and in the exercise of such powers shall follow the procedure prescribed in Chapter XX of the same Code.

Power to remove nuisances.

Purchase and Sale of Land.

XX. Any Committee may at a special meeting, and with the previous sanction of the Lieutenant-Governor, purchase land for the purposes of this Act, and may, at a like meeting and with the like sanction, sell any portion of such land which is not required for the purposes aforesaid, and convey the same in the names of the president and two of the members of the Committee.

Power to buy and sell land for purposes of Act.

The receipt of the president and any two members of the Committee for any monies paid to them upon any such sale shall effectually discharge the persons paying the same therefrom, or from being

Receipts.

concerned to see to the application thereof, or being accountable for the non-application or misapplication thereof, and the proceeds of any such sale shall be applied for the purposes of this Act.

Controlling Power of Lieutenant-Governor.

Cancellation and suspension of proceedings of Committee.

XXI. The Lieutenant-Governor may by order cancel, suspend, or limit any of the acts, proceedings, or rules of any Committee.

Abolition of taxes.

The Lieutenant-Governor may also abolish any tax which shall have been sanctioned under the provisions hereinbefore contained, but not so as to entitle any person to a refund of monies paid in respect of such tax.

PART V.

RIGHTS, DUTIES, AND LIABILITIES OF COMMITTEES.

Municipal Fund.

Municipal fund.

XXII. All sums received by the Committee of any Municipality to which this Act extends, and all fines levied under this Act, and all receipts from property entrusted to and managed by the Committee, shall constitute a fund which shall be called the Municipal Fund of such Municipality, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

Custody and disbursement of Municipal Fund.

XXIII. The funds of every Committee shall be kept in the Government Treasury of the District, or in the Bank (if any) to which the Government Treasury business shall have been made over.

No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the Committee.

Duties of Committees.

XXIV. Every Committee, subject to such rules restricting the amount or the objects of expenditure as it shall make at a special meeting, and so

far as the Municipal Fund at their disposal will permit, shall, after providing out of such fund for a police establishment in the manner hereinafter mentioned, keep the public streets, roads, drains, tanks, and water-courses of the Municipality for which they are appointed, clean and in repair;

And may cause such streets and roads or any of them to be watered and lighted;

And may construct and provide for the management of poor-houses, dispensaries, market-places, and other works of general utility;

And generally may do all acts and things necessary for the purposes of conservancy and local improvement.

The Committee may also make provision, by the establishment of new schools or the aiding of already existing schools, or otherwise, for the promotion of education in the Municipality for which such Committee is appointed.

Contracts.

Every contract made on behalf of any Committee in respect of any sum exceeding rupees twenty, or in respect of any property exceeding rupees twenty in value, shall be in writing, and shall be signed by the president or vice-president and at least two other members of the Committee, of whom one shall be an ex-officio member. Unless so executed, it shall not be binding on the Committee.

Municipal Police.

Provision for police.

XXV. Every Committee shall provide in the first place from its funds for the maintenance of the police establishment in the Municipality.

The municipal police shall be appointed under such Act of the Governor-General in Council as may be applicable to the town, and their number shall be fixed by the Committee in consultation with the Inspector-General of Police, subject to the final decision of the Lieutenant-Governor.

Police to aid in carrying out orders regarding nuisances.

XXVI. Every officer of police in any Municipality to which this Act shall have been extended shall have power to take into custody, without a warrant, any person who, within his view,

commits any of the offences mentioned in section 34 of Act No. V of 1861 *(for the regulation of police)*, and shall be bound to carry out the orders issued by the Committee for the prohibition and prevention of public nuisances, or nuisances defined to be such by any bye-law made under this Act.

Annual Reports.

Annual reports and statements to be submitted.

XXVII. Every Committee shall annually, or oftener if directed by the Lieutenant-Governor to do so, submit statements of their receipts on account of and disbursements from the Municipal Fund, and also reports of all works executed or proceedings taken by them under the authority of this Act.

The Committee shall also submit, at such time and in such form as may be directed by the Lieutenant-Governor, an estimate of their probable receipts for the financial year next following, with proposals for their expenditure.

An abstract of such estimate and proposals shall, on being so submitted, be published in such manner as the Lieutenant-Governor shall from time to time direct.

The Lieutenant-Governor may from time to time make rules consistent with this Act, as to the cost and the class of works which the Committee may execute, and the Committee shall be legally bound to obey such rules.

Public Highways.

Right of Committee in public highways.

XXVIII. All public highways in any Municipality in which this Act is in force, not specially reserved by Government, together with all erections thereon and all materials thereof, shall be vested in and belong to the Committee.

Land required for Public Purposes.

Land required for municipal purposes may be taken up under Act No. VI of 1857.

XXIX. When any land within the limits of any Municipality to which this Act is extended is required for the construction or improvement of a highway, for the promotion of the healthiness of the neighbourhood, or for any other public

purpose, if the Committee cannot agree with the owner for the purchase thereof, the Lieutenant-Governor, on the recommendation of the Committee, may notify in the local official *Gazette* that such land is required under the provisions of Act No. VI of 1857 *(for the acquisition of land for public purposes)*; and on payment by the Committee of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Suits by and against Committees.

Suits by and against Committees.

XXX. Every Committee shall sue and be sued in the name of their president.

Members not personally liable for contracts made by Committee.

No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee, but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts made in the manner above provided for.

Liability of members for breach of trust.

Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee to which he shall have been a party, or which shall happen through or be facilitated by the neglect of his duty, and he shall be liable to be sued for the same in such Court as the Lieutenant-Governor shall direct as for money due to Government.

Notice previous to suing Committee or their officers.

XXXI. No suits shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the cause of the suit, and not afterwards.

If any person to whom any such notice of suit is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

PART VI.

PENALTIES AND PROSECUTIONS AND RECOVERY OF TAXES.

Penalty on member or servant of a Committee being interested in contracts made with Committee.

XXXII. No member of a Committee or servant of a Committee shall be interested directly or indirectly in any contract made with the Committee; and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of rupees five hundred:

Provided always that no person shall be disqualified from acting as a member or servant of a Committee by being a shareholder in or member of any incorporated or registered Company by reason of any contract entered into between such Company and the Committee.

Penalty for infringement of bye-laws or non-payment of fines.

XXXIII. Whoever infringes any bye-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding rupees fifty, and in the case of a continuing infringement, to a fine not exceeding rupees five, for every day after notice from the Committee of such infringement.

In default of payment of any fine imposed under this section, the defaulter shall, in the case of a continuing infringement, be liable to imprisonment for a term not exceeding one month; and in any other case, to imprisonment for a term not exceeding eight days.

Prosecutions.

XXXIV. Prosecutions under this Act for infringements of rules or bye-laws may be instituted before any Magistrate by the Committee or any person authorized by the Committee in this behalf.

Recovery of taxes.

XXXV. All arrears of taxes imposed under this Act may be recovered as if they were fines, in the manner prescribed in section 61 of the Code of Criminal Procedure.

PUNJAB APPEALS AND REVIEWS.

ACT No. VII OF 1868.

(Received the assent of the Governor-General on the 27th March 1868.)

An Act to amend the law relating to Appeals and Reviews of Judgment in the Punjab.

Recites the expediency of amending the law relating to Appeals and Reviews of Judgment.

1—2. Names the Act "The Punjab Appeals' Act, 1868;" and (2) confines its operation to territories under the Punjab Government, and limits it to 30th April 1873, and appeals then pending.

3—8. Establishes and defines the right of appeal; and (4) saving excepted cases, applies the Code of Civil Procedure to appeals under this Act; and (5) gives a second appeal to the Commissioner or Chief Court in specified cases; and (6) prescribes the time for presenting and form of appeals; and (7) empowers the Court of Appeal to confirm the decision of the Court below without giving notice to the respondent, &c.; and (8) empowers the Chief Court to remove the appeal to any Court.

9. Provides for a Review of Judgment.

10. Empowers the Court, under certain circumstances, to proceed as under the former law.

Preamble.

WHEREAS it is expedient to amend the law relating to appeals and reviews of judgment in the Courts established in the Punjab; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Punjab Appeals' Act, 1868."

Extent of Act.

II. This Act shall extend only to the territories for the time being under the government of the Lieutenant-Governor of the Punjab.

Commencement and continuance of Act.

It shall come into operation from the thirtieth day of April 1868, in regard to all appeals preferred after that day, and shall continue in force to the thirtieth day of April 1873:

Provided that, as to such appeals (if any) as shall before the day last mentioned have been preferred under the provisions herein contained, and shall not have been disposed of, this Act

shall remain in force until such appeal shall have been disposed of as aforesaid.

Appeals when to lie.

III. Except when otherwise provided in this Act or any other Act in force for the time being, an appeal shall lie from the decrees of the Courts of original and appellate jurisdiction to the Courts authorized under Act No. XIX of 1865 *(The Punjab Courts' Act)* and IV of 1866 *(The Punjab Chief Court Act)* to hear appeals.

Code of Civil Procedure to apply to appeals.

IV. All appeals falling within the jurisdiction of the Courts established in conformity with the said Acts shall, save as in the said Acts and in this Act is otherwise provided, be regulated by the Code of Civil Procedure.

Second regular appeals.

V. If the decision of a Deputy Commissioner or of a Commissioner passed in regular appeal reverse or modify the decision of the Court of original jurisdiction on a point material to the merits of the case, the Commissioner, where the decision shall have been passed on regular appeal by the Deputy Commissioner, and the Chief Court where the decision shall have been passed on regular appeal by the Commissioner, may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the Courts below, a further consideration of the case appear to the Commissioner or the Chief Court (as the case may be) requisite for the ends of justice.

Time for presenting appeal.

VI. The memorandum of appeal prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, accompanied by copies of the judgments of the lower Courts, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, within sixty days if the appeal lie to the Court of a Deputy Commissioner or Commissioner, and within ninety days if the appeal lie to the Chief Court.

The period shall be reckoned from and exclusive of the day on which the judgment and decree appealed against was pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the judgment and decree from which the appeal is made.

Confirmation of decision of lower Court.

VII. When a memorandum of appeal, or an application for the admission of a special appeal, has been registered, the Appellate Court may, if it sees fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the lower Court, without sending intimation of the appeal to such Court, and without issuing notice to the respondent.

Chief Court may remove appeals.

VIII. The Chief Court of the Punjab may, whenever it thinks proper to do so, either on the agreement of the parties to that effect or for purposes of justice, remove and try any appeal falling within the jurisdiction of any Court subject to its superintendence.

Review of judgment.

IX. Any person considering himself aggrieved by a decree of a Court of original jurisdiction from which no appeal shall have been preferred to a superior Court, or by a decree of a District or Divisional Court from which no regular or special appeal shall have been admitted by the Chief Court, or by a decree of the Chief Court from which either no appeal may have been preferred to Her Majesty in Council, or, an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council, and who, from the discovery of new matter or evidence which was not within his knowledge, or could not have been adduced by him at the time when such decree was passed, or from any other good or sufficient reason, may be desirous of obtaining a review of the judgment passed against him, may apply for a review of judgment by the Civil Court which passed the decree, or by any Court to which the business of the former Court has been transferred.

Except as hereinbefore provided, the judgments of the Civil Courts established in conformity with the said Acts and with Act No. III of 1868 *(to authorize the Local Government of the*

Punjab to invest any person with the powers of an Assistant Commissioner or Tahsíldár) shall not be subject to revision.

Pending suits.

X. If in any suit pending when this Act comes into operation it appears to the Court that the application of its provisions would deprive any party to a suit of a right of appeal which, but for the passing of this Act, would have belonged to him, the Court shall proceed according to the law in force immediately before this Act takes effect.

THE REPEALING ACT, 1868.

ACT No. VIII OF 1868.

(Received the assent of the Governor-General on the 2nd April 1868.)

An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.

Recites that certain enactments have ceased to be in force otherwise than by express repeal, &c.

1. Repeals the scheduled enactments, saving such enactments as have been incorporated in other Acts and titles, &c., acquired under repealed Acts, and principles and practices, &c., which have been established under repealed Acts, and duties on salt and opium.

2. Names the Act.

Schedule of Acts and Regulations repealed.

Preamble.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

Enactments in schedule repealed.

I. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage, or practice not now existing, or in force:

Nor shall this Act affect any duties leviable on salt or opium.

Short title.

II. This Act may be cited as "The Repealing Act, 1868."

SCHEDULE.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
I of 1834	Governor-General ...	The whole.
I of 1835	Governor of Madras ...	The whole.
III of 1835	Revenue ...	The whole.
IV of 1835	Calcutta Justices of the Peace ...	The whole.
V of 1835	Munsifs' fees (Madras) ...	The whole.
VII of 1835	Sessions Judges ...	The whole.
XII of 1835	Sanads (Madras) ...	The whole.
XIV of 1835	Bombay Magistracy ...	So much as has not been repealed.
XVI of 1835	Indigo contracts ...	The whole.
XVII of 1835	Gold and silver coinage ...	So much of section 8 as provides that the gold coins therein specified shall bear the words 'East India Company.'
II of 1836	Bombay Customs ...	So much as has not been repealed.
III of 1836	Cattle-duty (Salsette) ...	The whole.
IV of 1836	Insolvent-debtors ...	The whole.
V of 1836	Executions ...	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
VII of 1836	Municipal taxes (Bombay) ...	The whole.
X of 1836	Indigo contracts ...	Section 5.
XI of 1836	Repeal of 53 Geo. iii, c. 105, s. 107. Exemption from jurisdiction.	The whole.
XIII of 1836	Sicca Rupees ...	The whole.
XVI of 1836	Commissioner's Wakíl (Madras)...	The whole.
XVII of 1836	Begum Sumroo ...	The whole.
XIX of 1836	Bank of Bengal ...	So much as has not been repealed.
XXIV of 1836	Native Judges (Madras and Bombay).	The whole.
XXIX of 1836	Sadr Amíns' fees (Madras) ...	The whole.
I of 1837	Justices of the Peace (Calcutta).	The whole.
IX of 1837	Parsees' Landed Property ...	The whole.
XI of 1837	Bombay Regulation I. 1820 ...	The whole.
XIII of 1837	Courts Martial (Bombay) ...	The whole.
XIV of 1837	Foreign Bottoms ...	The whole.
XIX of 1837	Evidence ...	The whole.
XXIV of 1837	Mofussil Police (Bengal) ...	The whole.
XXVI of 1837	Governor-General ...	The whole.
XXVIII of 1837	Stamp Officer (Bengal) ...	The whole.
XXIX of 1837	Persian Language (Bengal) ...	The whole Act, except so far as it gives power to prescribe the language and character to be used in revenue and judicial proceedings, and to delegate such power.
XXXIV of 1837	Judiciary system (Madras) ...	The whole.
XXXVIII of 1837	Local Agents (Bengal) ...	The whole.
IV of 1838	Perjury (Bombay) ...	The whole.
XIV of 1838	Gunja and Bhang (Madras) ..	The whole.
XV of 1838	Bombay Regulation XII. 1827, section 35, clause 1.	The whole.
XXIV of 1838	Bank of Bengal ...	So much as has not been repealed.
XXV of 1838	Wills ...	The whole Act, except as to Wills made before first January 1866.
XXVIII of 1838	Supreme Court—Perjury ...	The whole Act, except as to the Straits' Settlement.
XXXI of 1838	Supreme Courts—Criminal Law...	The whole Act, except sections 30 and 31.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
III of 1839	British subjects ...	So much as has not been repealed.
XI of 1839	Institution fees on appeal to Privy Council.	The whole.
XIII of 1839	Port-dues (Madras) ...	Sections 1, 2, 3, 4, and so much of section 6 as relates to the Madras Presidency.
XXII of 1839	An Act for enabling persons charged with offences to make their defence more effectually.	The whole Act, except section 4.
XXV of 1839	An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.	The whole.
XXIX of 1839	An Act for the amendment of the Law relating to Dower.	The whole Act, except as to marriages contracted before first January 1866.
XXX of 1839	An Act for the amendment of the Law of Inheritance.	The whole Act, except as to intestacies occurring before first January 1866.
XXXI of 1839	An Act for remedying certain defects in the Statute 9th Geo. iv, cap. 74, relating to the coin.	The whole.
VII of 1840	An Act for authorizing the appointment of uncovenanted servants to the offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.	The whole.
IX of 1840	An Act for amending the law administered in Her Majesty's Courts of Justice with reference to arbitrations, damages, and interested witnesses.	The whole Act, except section 2.
X of 1840	An Act for the abolition of certain pilgrim taxes, and for the superintendence of the Temple of Juggernath.	Sections 1 and 4.
XX of 1840	An Act for declaring the law touching the liability of auction purchasers of permanently assessed estates under Section 21, Regulation XI. of 1822, of the Bengal Code.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXI of 1840	An Act concerning suits instituted under the provisions of Regulation XLIX. of 1793, prior to and pending at the date of the enactment of Act IV of 1840.	The whole.
V of 1841	An Act for the greater uniformity of the process upon trials for State offences, and the amendment of such process in certain cases.	So much of sections 2 and 4 as refers to Law Officers.
XV of 1841	An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.	The whole.
XXIV of 1841	An Act for the greater uniformity of the law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of testators, illusory appointments, the transfer of estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.	The whole Act, except so for as it relates to illusory appointments and infants, and except section 5.
XXV of 1841	An Act for amending the law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.	So much as has not been repealed.
XXVI of 1841	An Act for extending in cases governed by English law certain provisions of the Statute 3rd and 4th William iv., chap. 42, entitled "An Act for the further amendment of the law and the better advancement of justice."	Sections 2, 5, and 6.
XXVII of 1841	An Act for appropriating the unclaimed dividends on Insolvent Estates.	Sections 3 and 4.
XXX of 1841	An Act for repressing obstructions to justice in certain Courts of the East India Company.	So much as has not been repealed.
II of 1842	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.
VII of 1842	An act for repealing certain provisions of the Bengal Code regarding translations.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XVI of 1842	An act concerning the terms of leases granted by Zemindars and Proprietors.	The whole.
VII of 1843	An Act for abolishing the provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II. and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.	Sections 5, 16, 24, 28, 45, and 46, and so much of sections 1, 4, 8, 20, 23, and 44 as refers to Subordinate Judges and Sadr Amíns.
VIII of 1843	An Act for disposing of the original suits and appeals depending before the Provincial Court of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.	The whole.
XVI of 1843	An Act regarding the offering of rewards for the apprehension of offenders.	The whole.
XX of 1843	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.
XXII of 1843	An Act for amending the law relating to the jurisdiction of the Dewanny Adawlut of the Zillah of the 24-Pergunnahs.	The whole.
XXIII of 1843	An Act for amending the law relating to the jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.	The whole.
I of 1844	An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, his family and retinue.	The whole.
IV of 1844	An Act for repealing Regulation IX. of 1808 of the Bengal Code.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
VI of 1844	An Act for abolishing the levy of transit or inland customs duties, for revising the duties on imports and exports by sea, and for determining the price at which salt shall be sold for home consumption within the territories subject to the Government of Fort St. George.	Sections 1, 2, 3, 4, 5, 42, and so much of schedules A, B, and C as is not repealed.
VII of 1844	An Act for improving the law of evidence.	The whole.
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sadr Amíns and Sadr Amíns.	So much of section 3 as refers to Sadr Amíns in the Presidency of Fort St. George.
X of 1844	An Act to amend the law respecting the period of the execution of persons convicted of the crime of murder.	The whole.
XII of 1844	An Act for better securing the observance of an exact discipline in the Indian Navy.	The whole.
XIII of 1844	An Act for making Trisoolee Pyce no longer a legal tender within the Province of Benares, and for their withdrawal from circulation.	The whole.
IX of 1845	An Act for amending the Schedules of import duties, annexed to Act XIV of 1836, to Act I of 1838, and to Act VI of 1844, and for repealing Act XV of 1844.	So much as has not been repealed.
XII of 1845	An Act for authorizing the employment of the uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.	The whole.
XIII of 1845	An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as attornies of the said Court.	The whole.
XXII of 1845	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXIII of 1845	An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.	The whole.
XXVIII of 1845	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort St. George.	The whole.
V of 1846	An Act for placing the Police of Surat under the Magistrate.	The whole.
II of 1847	An Act to declare the meaning and extent of certain words in Act V of 1840.	The whole.
IV of 1847	An Act to authorize the Governor in Council of Fort St. George to appoint any military officer a magistrate.	The whole.
XI of 1847	An Act to authorize the reception of convicts transported from Her Majesty's Settlement of Hong-Kong.	The whole.
XII of 1847	An Act for repealing the law which authorizes the imposition of fines on Moonsiffs and Sadr Amíns.	The whole.
XIV of 1847	An Act for repealing parts of section 3, Regulation IV. 1793, and section 3, Regulation III. 1803, of the Bengal Code.	The whole.
XV of 1847	An Act for the survey of lands in the town of Calcutta, within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature.	The whole.
XXI of 1847	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Bombay.	The whole.
XXIII of 1847	An Act for the amendment of Act No. XXXI of 1838.	The whole.
VI of 1848	An Act for equalizing the duties on goods imported and exported on Foreign and British bottoms, and for abolishing duties on goods carried from port to port in the territories subject to the Government of the East India Company.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XII of 1848	An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.	The whole.
XIII of 1848	An Act for limiting the time within which a suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.	The whole.
XXI of 1848	An Act for avoiding Wagers.	Section 2.
XXII of 1848	An Act to simplify Indictments for Forgery.	The whole.
XXIV of 1848	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.
XXV of 1848	An Act for Restoration of the Jagheer of Bunganapilly.	The whole.
XXVII of 1848	An Act to amend the Act XII of 1844.	The whole.
II of 1849	An Act to abolish the practice of branding and exposing Convicts.	The whole.
III of 1849	An Act to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.	The whole.
V of 1849	An Act for better defining the Duties of Customs and Excise.	The whole.
IX of 1849	An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George.	So much of the preamble as refers to Act No. I of 1837, and section 2.
XII of 1849	An Act for improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section 36, Regulation II. 1827, of the Bombay Code.	The whole.
XV of 1849	An Act to amend the law respecting the Stamped Material in use in the Presidency of Bombay.	The whole.
IX of 1850	An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras, and Bombay.	So much of section 35 as refers to writs and processes sued out against persons privileged by Act No. I of 1844.
XXII of 1850	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXIX of 1850	An Act to amend Act XXXI. 1838, for the Prevention of Poisoning.	The whole.
XXX of 1850	An Act to remove doubts on the Construction of Act I. 1846, and Act IV. 1850.	So much as has not been repealed.
XXXII of 1850	An Act to repeal Act XV. 1836	The whole.
XXXIX of 1850	An Act to continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI. 1847.	The whole.
II of 1851	An Act to amend Regulation XIII. 1810, of the Bengal Code, for the trial of Appeals.	The whole.
III of 1851	An Act to amend Regulation X. 1819, and Act XXIX. 1838, for preventing the unlawful manufacture and transportation of Salt.	The whole.
V of 1851	An Act for relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet.	The whole.
XIII of 1851	An Act to amend Act No. V of 1851.	The whole.
IX of 1852	An Act to repeal Regulation I. of 1832 of the Bengal Code.	The whole.
XV of 1852	An Act to amend the Law of Evidence.	Sections 1, 2, 4, 11, and so much of section 13 as creates a felony and declares the punishment, and provides for the trial of the principal and the accessory.
XXII of 1852	An Act to avoid doubts as to the validity of certain decisions in summary suits for arrears of rent, and of certain sales of Putnee Talooks and other saleable tenures.	The whole.
XXVIII of 1852	An Act to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency.	So much as has not been repealed.
XXXI of 1852	An Act to repeal clause 17, section 16, Regulation XX. 1817, of the Bengal Code.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
IV of 1853	An Act for the abolition of the Government monopoly of Tobacco in the Provinces of Coimbatore, Malabar, and Canara.	The whole.
IX of 1853	An Act to amend Act No. VI. 1853.	The whole.
XIV of 1853	An Act for regulating the collection and distribution of the Effects of Officers, Seamen, and others dying in the Marine Service of the East India Company, called the Indian Navy.	The whole.
XVII of 1853	An Act to repeal Regulation VII. of 1816, and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.	Sections 1, 4, and 5.
XXI of 1853	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.
II of 1854	An Act to abolish the office of Assessor to the Court of Petty Sessions at Bombay.	The whole.
VI of 1854	An Act to amend the practice and course of proceeding on the Equity side of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Madras, and Bombay.	The whole.
XV of 1854	An Act to facilitate the proceedings of the Commissioners appointed to inquire into certain matters connected with the position of Sir James Brooke, Her Majesty's Commissioner and Consul-General in Borneo.	The whole.
XIX of 1854	An Act for removing the prohibition against the importation of Foreign Sugar.	The whole.
XXII of 1854	An Act to repeal certain parts of the 53 George 3, c. 155, of Section 2, Regulation XV. of 1806 of the Bengal Code and of Regulation IV. of 1809 of the Madras Code.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXV of 1854	An Act for discontinuing the practice of issuing Warrants for the payment of money from the Treasuries of the Collectors.	The whole.
XXIX of 1854	An Act to prohibit the Exportation of Saltpetre to certain Ports in Europe.	The whole.
XXXII of 1854	An Act to facilitate enquiries respecting the alleged use of Torture in the Presidency of Fort St. George.	The whole.
I of 1855	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.
II of 1855	An Act for the further improvement of the Law of Evidence.	Sections 1, 9, 52, 53, 54, 55, and so much of section 2 as relates to Acts and Regulations made by the Governor-General of India in Council.
III of 1855	An Act for the better prevention of Desertion from the Indian Navy.	The whole.
V of 1855	An Act to assimilate the process of Execution on all sides of Her Majesty's Supreme Courts, and to extend and amend the provisions of Act XXV of 1841.	The whole Act, except as to the Straits' Settlement.
VII of 1855	An Act to amend the law of Arrest on mesne process in Civil Actions in Her Majesty's Courts of Judicature, and to provide for the subsistence of Prisoners confined under Civil process of any of the said Courts.	The whole Act, except as to the Straits' Settlement.
XIX of 1855	An Act to amend the law relating to District Moonsiffs in the Presidency of Fort St. George.	So much as has not been repealed.
XXIII of 1855	An Act to amend the law relating to the administration of the Estates of deceased persons charged with money by way of Mortgage.	The whole Act, except as to descents or devises occurring or made before the 1st January 1866.
XXV of 1855	An Act to empower the Session Judge of Coimbatore to hold Sessions at Ootacamund on the Neilgherry Hills.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXX of 1855	An Act to repeal Section 7 of Act No. XXVIII of 1839.	The whole.
XXXIII of 1855	An Act to prohibit the exportation of Saltpetre, except in British vessels bound to the Ports of London or Liverpool.	The whole.
XXXV of 1855	An Act to abolish the levy of Customs Duty on the import of Cotton into the North-Western Provinces of the Presidency of Bengal.	The whole.
XXXVIII of 1855	An Act to provide for the trial and punishment of rebellion and other offences committed within certain Districts in which Martial Law has lately been proclaimed.	The whole.
VII of 1856	An Act to enable the Bombay Government to provide for a due supply of Water for public use in the Islands of Bombay and Colaba.	The whole.
XVI of 1856	An Act to authorize the levy of port-dues and fees at the present rates for a further period of twelve months.	The whole.
XXIV of 1856	An Act to provide for the dissolution of the Bengal Mariners' and General Widows' Fund Society, and the distribution of the funds belonging thereto.	Thew hole.
I of 1857	An Act to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal.	The whole.
IX of 1857	An Act to repeal Act VI of 1856.	The whole.
XIV of 1857	An Act to make further provision for the trial and punishment of certain offences relating to the Army, and of offence against the State.	The whole.
XV of 1857	An Act to regulate the establishment of Printing Presses, and to restrain in certain cases the circulation of printed books and papers.	The whole.
XVI of 1857	An Act to make temporary provision for the trial and punsment of heinous offences in certain districts.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XVII of 1857	An Act to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion.	The whole.
XVIII of 1857	An Act relating to the issuing of writs or process against certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.	The whole.
XXIV of 1857	An Act to authorize the levy of port-dues and fees at the present rates for a further period of six months.	The whole.
XXVIII of 1857	An Act relating to the importation, manufacture, and sale of arms and ammunition, and for regulating the right to keep or use the same.	The whole.
XXXIII of 1857	An Act to make further provision relating to Foreigners.	The whole.
IV of 1858	An Act for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.
VI of 1858	An Act to authorize the impressment of artisans and laborers for the erection of Buildings for the European Troops in India and for works urgently required for Military purposes.	The whole.
X of 1858	An Act to authorize the confiscation of villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion and other crimes committed by inhabitants of villages or by members of tribes; and and also to provide for the punishment of proprietors of land who neglect to assist in the suppression of rebellion, or in the apprehension of rebels, mutineers, or deserters.	The whole.
XI of 1858	An Act to authorize the infliction of corporal punishment in certain cases.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XIII of 1858	An Act for the punishment of persons who unlawfully possess or conceal arms or other property belonging to Her Majesty or to the East India Company.	The whole.
XVI of 1858	An Act to extend Act XXV of 1855.	The whole.
XVII of 1858	An Act to repeal the laws relating to the levy of Light-dues at ports within the limits of the Gulf of Cambay.	The whole.
XX of 1858	An Act to facilitate the recovery of land and other real property of which possession may have been wrongfully taken during the recent disturbances in the North-Western Provinces of the Presidency of Bengal.	The whole.
XXII of 1858	An Act to continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857, and to authorize in certain cases the transportation of offenders sentenced to imprisonment.	The whole.
XXIV of 1858	An Act to continue for six months the privileges granted by Act I of 1844 to certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.	The whole.
XXVI of 1858	An Act to make further provision for the trial and punishment of offences against the State.	The whole.
XXVII of 1858	An Act to continue in force for a further period of six months, Act IV of 1858, for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.	The whole.
XXIX of 1858	An Act for the relief of persons who, in consequence of the recent disturbances, have been prevented from instituting or prosecuting suits or appeals in the Civil Courts of the North-Western Provinces within the time allowed by law.	The whole.
XXX of 1858	An Act to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXXII of 1858	An Act for bringing the Fort of Tanjore and the adjacent territory under the Laws of the Presidency of Fort St. George.	Sections 2, 3, 4, 5, 6, 7, and 8.
XXXIII of 1858	An Act to amend Act XII of 1844 (for better securing the observance of an exact discipline in the Indian Navy).	The whole.
XXXVIII of 1858	An Act to repeal Regulation V. 1832, of the Bengal Code, and to make certain provisions rendered necessary by the transfer of the Delhi Territory to the administration of the Chief Commissioner of the Punjab.	The whole.
II of 1859	An Act to amend Act XXX of 1858 (to provide for the administration of the Estate, and for the payment of the debts of the late Nabob of the Carnatic).	The whole.
IV of 1859	An Act to make further provision for the removal of prisoners.	The whole.
IX of 1859	An Act to provide for the adjudication of claims to property seized as forfeited.	The whole Act, except sections 16, 17, 18, and 20.
XIX of 1859	An Act to continue in force, until the end of the year 1859, Act XXVIII of 1857 (relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same).	The whole.
XXI of 1859	An Act for providing for the exercise of certain powers by the Governor-General during his absence from his Council.	The whole.
XXVI of 1859	An Act to continue in force for a further period Act XXVIII of 1857.	The whole.
XXVII of 1859	An Act to continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857.	The whole.
XXVIII of 1859	An Act to revive and continue in force for a further period Act XXXIII of 1857 (to make further provision relating to Foreigners).	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
I of 1860	An Act to empower the Governor-General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	Sections 1 and 3.
X of 1860	An Act to amend Act VII of 1859 (to alter the Duties of Customs on goods imported or exported by Sea).	The whole.
XI of 1860	An Act to enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Enquiry.	The whole.
XIII of 1860	An Act to repeal certain laws relating to the jurisdiction of the Zillah Court of Furruckabad.	The whole.
XVI of 1860	An Act to amend Act XIV of 1856.	The whole Act, except as to the Straits' Settlement.
XVII of 1860	An Act to repeal Act V of 1858 (for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders), and to make certain provisions in lieu thereof.	Sections 1, 4, and 5.
XVIII of 1860	An Act to continue in force, for a further period of three months, Act XXI of 1859, for providing for the exercise of certain powers by the Governor-General during his absence from his Council.	The whole.
XXIV of 1860	An Act for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland.	The whole.
XXIX of 1860	An Act to continue in force Act XXVIII of 1857.	The whole.
XXX of 1860	An Act to remove the Pergunnah of Koonch and Culpee in Zillah Jaloun from the operation of the general Regulations.	The whole.
XXXII of 1860	An Act for imposing Duties on Profits arising from Property, Professions, Trades, and Offices.	So much as has not been repealed.
XXXVII of 1860	An Act to repeal Act XVI of 1859.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXXVIII of 1860	An Act to explain Act XXX of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic).	The whole.
XXXIX of 1860	An Act to amend Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices).	The whole.
XLIV of 1860	An Act for providing for the exercise of certain powers by the Governor-General during his absence from his Council.	The whole.
LIII of 1860	An Act to amend Act X of 1859.	The whole.
I of 1861	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature in Bombay.	The whole.
VI of 1861	An Act to alter the time from which the Indian Penal Code shall take effect.	The whole.
XI of 1861	An Act to amend Act XIV of 1859 (to provide for the limitation of suits).	The whole.
XIII of 1861	An Act to regulate temporarily the procedure of the Police enrolled under Act V of 1861 (for the regulation of Police).	The whole.
XXI of 1861	An Act for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and Act XXXIX of 1860 (to amend Act XXXII of 1860).	The whole.
XXX of 1861	An Act to enable the Bengal Military Orphan Society to register under Act XXI of 1860 (for the Registration of Literary, Scientific, and Charitable Societies).	The whole.
XXXII of 1861	An Act to postpone the operation of a portion of Clause 8, Section 1 of Act XIV of 1859 (to provide for the Limitation of Suits).	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
I of 1862	An Act to revive and continue in force for a futher period Act XXXIII of 1857 (to make further provision relating to Foreigners).	The whole.
II of 1862	An Act to repeal Act XVIII of 1861 (for imposing a Duty on Arts, Trades, and Dealings).	The whole.
IX of 1862	An Act for constituting the Secretaries and other Officers of the Banks of Bengal, Madras, and Bombay, respectively, *Ex-Officio* Assessors of certain of the duties payable under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices).	The whole.
XI of 1862	An Act to amend Act X of 1860 (to amend Act VII of 1859, to alter the Duties of Customs on goods imported or exported by Sea).	The whole
XII of 1862	An Act to repeal Act II of 1835, so far as it relates to the Provinces of Arracan and Tenasserim.	The whole.
XIV of 1862	An Act to amend Act XIV of 1859 (to provide for the Limitation of Suits).	The whole.
XVI of 1862	An Act to limit in certain cases the amount of assessment to the Duties chargeable after the 31st day of July 1862 under Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and Act XXXIX of 1860 (to amend Act XXXII of 1860), and otherwise to modify the said Acts.	The whole.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	The whole Act, except sections 3, 4, 5, and 6.
XXI of 1862	An Act to provide for the dissolution of the Subordinate Medical Officers' Widows' and Orphans' Fund, and the distribution of the funds belonging thereto.	The whole.

No. of Act.	Subject or Title of Act	Extent of Repeal.
XXIII of 1862	An Act to amend Act XI of 1862 (to amend the duties of Customs on goods imported and exported by Sea).	The whole.
XXIV of 1862	An Act to continue in force Act XX of 1862 (to provide for the levy of fees and stamp duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain Sections of Act VIII of 1859 in the said High Court.	The whole Act, except section 2.
XVIII of 1863	An Act to make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.	Sections 1, 2, 3, and 4.
XXVI of 1863	An Act to amend Act XI of 1862 (to amend Act X of 1860, to amend Act VII of 1859, to alter the Duties of Customs on goods imported or exported by Sea).	The whole.
XXVII of 1863	An Act to further amend Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and to amend Act XXXIX of 1860 (to amend Act XXXII of 1860), and Act XVI of 1862 (to limit in certain cases the amount of assessment to the duties chargeable after the 31st day of July 1862, under Act XXXII of 1860, and Act XXXIX of 1860, and otherwise to modify the said Acts).	The whole.
XXX of 1863	An act to provide for the appointment of Commissioners to enquire into certain claims against the late Native Government of Oudh.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
IV of 1864	An Act to give validity to certain proceedings of the Court of Small Causes at Kurrachee.	The whole.
V of 1864	An Act to give validity to the extension of the Code of Civil Procedure to the Province of Scinde from the first day of January 1862.	The whole.
IX of 1864	An Act to repeal Act VIII of 1861 (for the levy of Port-dues in the Port of Amherst).	The whole.
XI of 1864	An Act to repeal the laws relating to the offices of Hindoo and Mahomedan Law Officers, and to the offices of Cazee-ool-Cozaat and of Cazee; and to abolish the former offices.	The whole.
XIV of 1864	An Act to give validity to certain acts and proceedings of the Joint Judge of the Konkan.	The whole.
XXIII of 1864	An Act to amend the law relating to the Customs Duties on goods imported by Sea.	The whole.
XXIV of 1865	An Act to give effect to certain Warrants of Attorney and Cognovits.	The whole Act, except section 5.
XXV of 1865	An Act to amend the law relating to the Duties of Customs on goods imported and exported by Sea.	The whole.
XXVIII of 1865	An Act to provide for the more speedy liquidation of Insolvent Traders' Estates in Bombay.	The whole Act, except as to the estates not completely wound up under its provisions.
XVIII of 1866	An Act to alter the Customs duty on the export of Saltpetre.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
	BENGAL.	
II of 1793	A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the Suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue and the Collectors.	Section 17, and the following words in section 46: "giving land in farm to any European, directly or indirectly, or accepting the security of a European for any farmer, dependent talookdar, or ryot, or—"
III of 1793	A Regulation for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the Trial of Civil Suits in the first instance established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.	Section 14.
IV of 1793	A Regulation for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Mooorshedabad.	Sections 14 and 20.
VI of 1793	A Regulation for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Provincial Court of Appeal.	Sections 3, 13, and 14.
IX of 1793	A Regulation for re-enacting, with Alterations and Modifications, the Regulations passed by the Governor-General in Council on the 3rd December 1790, and subsequent dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections 2, 20, 21, 25, 31, 32, 33, 35, 36, 37, 39, 60, 62, 63, 71, 72, 73, and 79.
XV of 1793	A Regulation for fixing the Rates of Interest on past and future Loans.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XIX of 1793	A Regulation for re-enacting, with Modifications, the Rules passed by the Governor-General in Council, on the 1st December 1790, for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, lands exempted from the payment of Revenue to Government under Grants not being of the Description of those termed Badshahee or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the payment of public Revenue.	Section 23.
XXII of 1793	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor-General in Council on the 7th December 1792, for the establish ment of an efficient Police throughout the Country.	Sections 24, 25, 26, 27, 28, 30, 35, 36, and 39.
XXVIII of 1793	A Regulation for prohibiting British subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company and their Military Officers) residing at a greater distance from Calcutta than ten miles, unless they render themselves amenable to the Courts of Dewanny Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section 7, Regulation III. 1793, and for enabling British Subjects to recover any Demands, recoverable under the Regulation, which they may have upon such Persons.	The whole.

No. of Regulation	Title of Regulation.	Extent of Repeal.
XXXI of 1793	A Regulation for re-enacting, with Modifications and Amendments, the Rules passed on the 23rd July 1787, and subsequent dates, for the conduct of the Commercial Residents and Agents, and all persons employed or concerned in the Provision of the Company's Investment.	The whole.
XXXV of 1793	A Regulation for re-enacting, with Amendments, the Rules passed on the 20th June, 24th October, and 31st November 1792, and subsequent dates, for the Reform of the Gold and Silver Coin in Bengal, Behar, and Orissa; and for prohibiting the Currency of any gold or silver coin in those Provinces, but the nineteenth sun Sicca Rupees, and the nineteenth sun Gold Mohur, and their respective Divisions and Sub-divisions into Halves and Quarters; and for preventing the counterfeiting, defacing, or debasing of the Coin.	So much as has not been repealed.
XXXVIII of 1793	A Regulation for re-enacting, with Modifications, such Part of the Rule passed on the 27th June 1787, as prohibits Covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue, lending Money to Zemindars, independent Talookdars, or other actual proprietors of Land, or dependent Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under-Farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for re-enacting, with alterations, the existing Rules prohibiting Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings, for carrying on Manufactures or other Purposes, without the Sanction of the Governor-General in Council.	Sections 3, 4, 5, and 6, and so much of Section 1 as relates to Europeans purchasing or holding land.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XLI of 1793	A Regulation for forming into a regular Code all Regulations that may be enacted for the internal Government of the British Territories in Bengal.	The whole.
XLVII of 1793	A Regulation for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations.	The whole.
XLVIII of 1793	A Regulation for forming a quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.	Section 2, clause 2.
II of 1794	A Regulation for postponing the Operation of Section 61, Regulation VIII. 1793, in the Zillah of Boglepore, to the end of Kautic 1201, Bengal Era.	The whole.
V of 1794	A Regulation for restricting the Sudder Dewanny Adawlut, and the Provincial Courts of Appeal, from admitting Appeals from Decisions passed by any of the Courts of Dewanny Adawlut, heretofore denominated Courts of Mofussil Dewanny Adawlut, between the 6th April 1781, and the 1st May 1793, that were declared to be final by the Regulations for the Administration of Justice which existed during that Period.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VI of 1794	A Regulation for postponing to the 10th April 1795, the Operation of such parts of Sections 18, 19, 20, and 23, Regulation XXXV. 1793, as regard the Silver Coin.	The whole.
VIII of 1794	A Regulation for extending and defining the Powers given by Section 6, Regulation XIII. 1793, to the Registers of the Zillah and City Courts, to try and decide Causes referred to them by the Judges of their respective Courts, and for empowering the Zillah and City Courts in certain cases to refer Rent and Revenue Accounts to the Collectors for report.	The whole.
IV of 1795	A Regulation for prohibiting the Collection of internal Duties in the Province of Benares.	The whole.
V of 1795	A Regulation prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares.	Section 17.
VII of 1795	A Regulation for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying Civil Suits, in the first instance at the City of Benares, and at Mirzapore, Ghazeepore, and Jaunpore, in the Province of Benares, and for defining the Jurisdiction and Powers of those Courts.	Section 8.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
X of 1795	A Regulation for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from Decisions of the Provincial Court of Appeal established in the Province of Benares; and for defining the Jurisdiction, Powers, and Authorities of the Sudder Dewanny Adawlut in that Province.	Sections 1, 4, and 10.
XVI of 1795	A Regulation for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors in the Province of Benares; for enabling one of the Judges, in his capacity of Judge of the Provincial Court of Appeal, to transact certain Parts of the Business of that Court, whilst the other two Judges, as Judges of Circuit, are making the Circuits; and for providing against the Absence or Indisposition of any of the Judges or their Law Officers, and against Vacancies in the Judicial or Law Appointments.	So much as has not been repealed.
XVII of 1795	A Regulation for the Establishment of an efficient Police in the Province of Benares.	So much as has not been repealed.
XXII of 1795	A Regulation for preserving the Record of the principal Rules regarding the Administration of Justice and the Police in the Province of Benares, passed between the year 1781 and the period of the Abolition of the Office of Resident in 1795; and for determining what Parts of those Rules are to be considered still in force; and for transferring the Causes depending in the Courts of Judicature abolished on this date to the Courts established in lieu of them.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XXIV of 1795	A Regulation for extending to the Province of Benares, Regulation XXVIII. 1793, entitled "A Regulation for prohibiting British subjects (excepting King's Officers serving under the Presidency of Fort William, and Civil Covenanted Servants of the Company, and their Military Officers) residing at a greater distance from Calcutta than ten miles, unless they render themselves amenable to the Courts of Dewanny Adawlut, in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section 7, Regulation III. 1793, and for enabling British subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons."	The whole.
XXV of 1795	A Regulation for extending to the Province of Benares, Regulation XLVII. 1793, entitled "A Regulation for providing for differences of opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations."	The whole.
XXIX of 1795	A Regulation for extending to the Province of Benares, Regulation XX. 1793, entitled "A Regulation for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance."	The whole.
XXXIII of 1795	A Regulation for enacting into a Regulation the Rules passed relative to the Cultivation and Manufacture of Indigo, on behalf of, or by natural-born British Subjects, and other Europeans, having the Permission of Government to reside in the Province of Benares.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XXXIV of 1795	A Regulation for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province of Benares.	Sections 5, 12, and 13.
XXXVI of 1795	A Regulation for repealing Section 7, Regulation VIII. 1794, and empowering the Judges of the Zillah and City Courts to hear Appeals from Decisions which may be passed by their Registers under that Regulation, and rendering final the Decisions of the Judges in all such Appeals where the Suit may be for Money or personal Property; for making final the Decrees of the Judges of the Zillah and City Courts, in Appeals from Decisions passed by the Native Commissioners appointed under Regulation XL. 1793; for rendering Serberakars, or Managers of joint undivided Estates, eligible to the Office of Commissioner for hearing and deciding Suits under Regulation XL. 1793; for providing against the Loss or Miscarriage of the Proceedings in Trials referred by the Judges of Circuit to the Nizamut Adawlut, or the Sentences or Orders of that Court on such Trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan.	So much as has not been repealed.
XXXVIII of 1795	A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause 6, Section 5, Regulation XL. 1793; and for the appropriation of the fees so collected.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XLVIII of 1795	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the public Revenue, in the Province of Benares, from lending Money to Talookdars, Zemindars, Putteedars, or other actual Proprietors of Land, or to Farmers of Land holding Farms immediately of Government, or the Under-Farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for prohibiting in the said Province, Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings for carrying on Manufactures, or other Purposes, without the Sanction of the Governor-General in Council.	Sections 3, 4, 5, and 6.
LIX of 1795	A Regulation for further postponing to the 10th April 1796, the Operation of such Parts of Sections 18, 19, 20, and 23, Regulation XXV. 1793, as regard the Silver Coin.	The whole.
LX of 1795	A Regulation for extending to the Province of Benares, Regulation XXXVIII. 1795, entitled "A Regulation for prescribing the Payment of certain fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause 6, Section 5, Regulation XL. 1793."	The whole.
LXI of 1795	A Regulation for determining what Sicca Rupees of the nineteenth Sun shall be considered as of standard Weight in Payments, in the Provinces of Bengal, Behar, and Orissa.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
LXII of 1795	A Regulation for withdrawing the Mint established at Moorshedabad under Regulation XXXV. 1793.	The whole.
IV of 1796	A Regulation to provide for the occasional Absence of the Zillah and City Judges and Magistrates, in the Provinces of Bengal, Behar, Orissa, and Benares, from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants, on such occasions, as well as in the Discharge of their official Functions.	Sections 5 and 6.
VII of 1796	A Regulation for repealing such Part of Regulations VIII. and X. 1793, as excludes the Proprietors of Land from the Management of their Estates on Grounds of Contumacy or Profligacy of Character.	The whole.
X of 1796	A Regulation for the guidance of the Courts of Justice in Cases of a Difference of Opinion on the Meaning and Construction of the Regulations.	The whole.
III of 1797	A Regulation for constituting one Court of Circuit to expedite the Gaol Deliveries of the Zillahs and Cities within the several Divisions of the Courts of Circuits for Calcutta, Dacca, Patna, Moorshedabad, and Benares, instead of two Courts, as provided by Regulation VII. 1794, and Regulation XVI. 1795.	The whole.
VIII of 1797	A Regulation for rendering Prosecutions instituted for the Recovery of Losses sustained by Theft and Robbery in the Province of Benares, cognizable in the Courts of Civil Judicature; and for ascertaining the Responsibility in such cases of Tehsceldars of Places held Khaum in the said Province; and for transferring the Nomination of the Pleaders for Government in the several Courts of Judicature, from the Sudder Dewanny Adawlut to the Governor-General in Council.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XI of 1797	A Regulation for amending the Form of Bond to be executed by British Subjects or others not amenable to the Zillah and City Civil Courts, on their instituting Suits in such Courts; and for prescribing a Form of Bond to be executed by the Sureties of Defendants in the above Courts.	The whole.
II of 1798	A Regulation for authorizing a Review of Causes decided by the Civil Courts in certain Cases; and for explaining Parts of Regulation IV., V., and VI. 1793.	So much as has not been repealed.
III of 1799	A Regulation for postponing to the end of the Bengal year 1204, or to the 10th of April 1798, the Operation of Section 20, Regulation XXXV. 1793, within the Zillah of Sylhet.	The whole.
II of 1801	A Regulation for the more speedy and effectual Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	The whole Regulation, except Sections 7, 14, and 15.
IX of 1801	A Regulation to limit the Operation of Section 15, Regulation VII. 1799, upon Persons employed in the Salt Manufacture, or in the Provision of the Company's Investment; and to explain and amend section 2, Regulation XI. 1796, with respect to Persons so employed, and others charged with Resistance of Process under that Regulation.	So much as has not been repealed.
IV of 1802	A Regulation to constitute an occasional Second Court of Appeal for the Division of Dacca.	The whole.
I of 1803	A Regulation for forming into a regular Code all Regulations which may be enacted for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VI of 1803	A Regulation for the Guidance of the Magistrates of the several Zillahs in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, in apprehending Persons charged with Crimes or Offences, and bringing them to Trial.	So much as has not been repealed.
VII of 1803	A Regulation for the Establishment of a Court of Circuit for the Trial of Persons charged with Crimes, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
IX of 1803	A Regulation for empowering the Judges of the Zillah Courts, the Magistrates, the Judges of the Provincial Court of Appeal, and the Judges of the Court of Circuit, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to propose Regulations regarding Matters coming within their Cognizance, respectively.	The whole.
XII of 1803	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 6, 7, 8, 9, 10, 15, 17, 18, 20, and 21.
XV of 1803	A Regulation for providing for Differences of Opinion between the Judges of the Provincial Court of Appeal and Court of Circuit, established in Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and prescribing Rules regarding other Matters connected with their Official Situation.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XVIII of 1803	A Regulation for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William and the Civil Covenanted Servants of the Company, and their Military Officers) from residing in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, without the Permission of the Governor-General in Council, and without rendering themselves amenable to the Courts of Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section 4, Regulation II. 1803; and for enabling British Subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons.	The whole.
XIX of 1803	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the Administration of Justice or Re- the Collection of the public venue in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, from lending Money to Zemindars, independent Talookdars, or other Proprietors of Land, or dependent Talookdars or Farmers of Land holding Farms immediately of Government, or the Under-Farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for prohibiting Europeans, of any Description, holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands in the said Provinces for erecting Houses or Buildings for carrying on Manufactures or other purposes, without the Sanction of the Governor-General in Council.	Sections 3, 4, 5, and 6.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XXII of 1803	A Regulation for the Guidance of the Courts of Justice established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, in Cases of Difference of Opinion on the Meaning and Construction of the Regulations.	The whole.
XXV of 1803	A Regulation prescribing Rules for the Conduct of the Board of Revenue and the Collectors; and for declaring the proprietary Right in the Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to be vested in the Zemindars and other Landholders, under the Terms and Conditions of the settlement of the Land Revenue formed by the Honourable the late Lieutenant-Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor-General.	Section 16.
XXXIV of 1803	A Regulation for determining the Rate of Interest on Money in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 2, 4, and 11.
XXXV of 1803	A Regulation for the establishment of an efficient System of Police in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 4, 5, 6, 22, and 23.
XXXVII of 1803	A Regulation prescribing Rules respecting the provision of the Honourable the English East India Company's investment, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.
XLV of 1803	A Regulation for the reform of the gold, silver, and copper coin of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
LI of 1803	A Regulation for empowering the Court of Circuit established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and the Nizamut Adawlut, to take Cognizance of all depending Criminal Cases, the Trial of which had been commenced previous to the Period when the Regulations passed on the 24th of March 1803, for the Trial of Crimes and Offences committed in the said Provinces, were directed to take Effect.	The whole.
LIV of 1803	A Regulation for postponing the operation of Section 20, Regulation XXXV. 1793, within the Zillah of Chittagong	The whole.
II of 1804	A Regulation for altering the periods of the Half-Yearly Gaol Deliveries in the Divisions of Calcutta, Moorshedabad, Patna, and Benares; and for providing a Quarterly Gaol Delivery in the Zillahs of the Twenty-Four Pergunnahs, Dacca, Jelsore, and Moorshedabad.	The whole.
IV of 1804	A Regulation for the Administration of Justice in Criminal Cases in the Zillah of Cuttack.	The whole.
VI of 1804	A Regulation for rescinding Regulation XXXIX. 1803; for establishing Rules for levying a Duty on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, in the conquered Provinces in the Dooab and on the right Bank of the Jumna, and in the Province of Benares; for reducing the Rate of Duty established by Clause 6th, Section 4, Regulation VI. 1801, on the Importation of Salumba and Balumba Salt into the Province of Benares; and for withdrawing the Prohibition contained in Section 6, of that Regulation on the Manufacture of Salt within the Province of Benares.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VII of 1804	A Regulation for determining the Rates of Duty to be levied, under Sections 4 and 7, Regulation VI. 1804, on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, and in the conquered Provinces situated within the Dooab and the right Bank of the River Jumna.	The whole.
VIII of 1804	A Regulation for transferring the Zillahs of Allahabad and Goruckpore from the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of the Provinces ceded to the Honourable the English East India Company by the Nawaub Vizier; and for annexing those Zillahs to the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of Benares.	The whole.
I of 1805	A Regulation for empowering the Court of Sudder Dewanny Adawlut to hear and determine Appeals from the Decisions of the Courts of Civil Justice established under the Authority of the British Government at Chandernagore and Chinsurah.	The whole.
II of 1805	A Regulation to explain the existing Limitations of Time for the Cognizance of Suits in the Civil Courts of Justice; to provide further Limitations with respect to certain Suits, regular and summary; and to make other Provisions relative to the Admission and Trial of original Suits and of Appeals.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
IV of 1805	A Regulation for extending to the Province of Benares, Regulation XXXI. 1793, entitled "A Regulation for re-enacting, with Modifications and Amendments, the Rules passed on the 23rd of July 1787, and subsequent dates, for the Conduct of the Commercial Residents and Agents, and all Persons employed or concerned in the Provision of the Company's Investment;" and also for exempting from Duty all Goods and Articles provided in the Province of Benares, on Account of the Investment of the Honourable East India Company.	The whole.
V of 1805	A Regulation for forming the Settlement of the Land Revenue of the Provinces ceded to the Honourable the English East India Company by the Nawaub Vizier, for the years 1213, 1214, and 1215, of the Fussily Era.	The whole.
VII of 1805	A Regulation for empowering the Governor-General in Council to grant a temporary Exemption to Covenanted Civil Servants of the Company holding certain Offices, from the Obligations of that part of the Oath prescribed to be taken by certain Descriptions of Public Officers, which prohibits their being concerned in Commercial Transactions.	The whole.
VIII of 1805	A Regulation for extending to the Conquered Provinces situated within the Doab and on the right Bank of the River Jumna, and to the Territory ceded to the Honourable the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the Internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, as have not been already extended to those Territories; and for revising and amending certain Parts of the said Laws and Regulations.	Section 2, section 3, clause 2, section 4, section 6, clause 2.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XI of 1805	A Regulation for extending to the Conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and to the Territories ceded to the Honourable the English East India Company in Bundlecund by the Peishwa, Regulation XLV. 1803, entitled "A Regulation for the reform of the Gold, Silver, and Copper Coin, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company;" also for providing for the Appointment of Native Officers of Government employed in the Mint established at Furruckabad, under Regulation XLV. 1803; and for extending to such Native Officers such Parts of Regulation V. 1804, as provide for the Appointment and Removal of the Native Officers of Government in certain Departments.	The whole.
XVI of 1805	A Regulation for extending the Jurisdiction of the Court of Circuit for the Division of Calcutta, and of the Court of Nizamut Adawlut, over the Settlements of Chundernagore and Chinsurah, in certain Cases, and for defining the Powers and Duties of the Superintendent of Chandernagore and Commissioner of Chinsurah, in his Capacity of Magistrate for those Settlements.	The whole.
XVIII of 1805	A Regulation for the Appointment of a Magistrate of the Jungle Mehals, in Zillahs Beerbhoom, Burdwan, and Midnapore; and for declaring and extending the Rules prescribed for Zemindars and Managers of Zemindaries intrusted with the Police in those Mehals.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
I of 1806	A Regulation for abolishing the Jurisdiction of Zillah Moorshedabad, and annexing the Mehals composing it to the Jurisdictions of the City of Moorshedabadand Zillah Beerbhoom; for altering the Jurisdiction of the Courts of Circuit and Provincial Courts of Appeal of the Divisions of Calcutta and Moorshedabad; for fixing the Order of holding the Half-Yearly Gaol Deliveries in those Divisions, and in the Divisions of Benares and Bareilly; for rescinding such Parts of the existing Regulations as restrict the Senior Judges of the Courts of Circuit from proceeding upon the Circuit in their respective Divisions; and for extending the Authority of the Courts of Nizamut Adawlut and Sudder Dewanny Adawlut in certian Cases.	The whole.
III of 1806	A Regulation for defining the Weight and Standard of the Silver Coin, established in the Ceded and Conquered Provinces by Regulation XLV. 1803, and Regulation XI. 1805; and the Weight of the Copper Coin established in the said Provinces by the Regulations above mentioned; also for fixing a Table of Rates for regulating the Receipt and Payment of Rupees of different Descriptions during the Periods prescribed by Regulation XLV. 1803, for the Receipt and Payment of Rupees not being the Rupees declared by that Regulation, and by Regulation XI. 1805, to be the established and legal Silver Coin, within the Ceded and Conquered Provinces.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
IV of 1807	A Regulation for determining the Rates at which Rupees of Sorts shall be received and issued in the Ceded and Conquered Provinces during the Existence of the depending Settlement of the Land Revenue in those Provinces.	The whole.
X of 1807	A Regulation for the Conclusion of the ensuing Settlement in the Ceded and Conquered Provinces.	So much as has not been repealed.
XI of 1807	A Regulation for vesting the Control of the Customs, with certain Exceptions, in the Board of Commissioners appointed under Regulation X. 1807.	The whole.
XII of 1807	A Regulation for the Appointment of Ameens of Police in the Provinces of Bengal, Behar, and Orissa; and for defining the Duties to be performed by them; also for obtaining a complete Register of Guards and Watchmen employed by Landholders, Farmers, and others; and declaring the Responsibility of their Employers for the Conduct of such Servants in certain Cases.	So much as has not been repealed.
XIII of 1807	A Regulation for modifying certain Parts of Regulation XXXV. 1793, Regulation XLV. 1803, and Regulation XII. 1805, relative to Engagements for Rupees or Gold Mohurs, not being of the established Coinage.	The whole.
XIV of 1807	A Regulation for amending the system of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the Divisions of Barcilly and Benares; also for extending to those Provinces the Provisions contained in Regulation XII. 1807, for the Appointment of Ameens of Police.	Sections 2, 3, and 18, and so much of section 17 as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XV of 1807	A Regulation for modifying the Constitution of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, so far as relates to the Appointment of the Judges of those Courts.	So much as has not been repealed.
II of 1808	A Regulation for the better Security of the Property of Minors subject to the Jurisdiction of the European Court at Chandernagore.	So much as has not been repealed.
VI of 1808	A Regulation for the Settlement of the Revenues of the Zillah of Cuttack.	So much as has not been repealed.
X of 1808	A Regulation for the Appointment of a Superintendent of Police, and for defining his Jurisdiction and Authority.	So much as has not been repealed.
I of 1809	A Regulation for rendering permanent the Board of Commissioners in the Upper Provinces, and for investing that Board with certain Powers in the Province of Benares.	The whole.
II of 1809	A Regulation for enabling the Commander-in-Chief to delegate the Power of appointing General Courts-Martial on Native Officers and Soldiers of Detachments from the Bengal Army serving beyond Sea; and for determining the Number of Officers necessary for the Formation of such Courts-Martial.	The whole.
IX of 1809	A Regulation for empowering the Calcutta Provincial Court to receive Appeals from the Decisions of the Commissioner at Chinsurah and Superintendent of Chandernagore in certain Cases, and to make further Provision for the Administration of Civil Justice at those Settlements.	The whole.
X of 1809	A Regulation for the establishment of a Copper Coinage in the Province of Benares.	The whole.
IV of 1810	A Regulation for abolishing the Office of Commissioner in Cuttack.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VIII of 1810	A Regulation for the appointment of Superintendents of Police in the Divisions of Patna, Benares, and Bareilly.	The whole.
XII of 1810	A Regulation for modifying the Rules contained in Section 2, Regulation VII. 1809, and Section 6, Regulation X. 1809.	So much as has not been repealed.
III of 1811	A Regulation for the Conduct of the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies; and for defining the duties to which such Trade shall be subject, at such of the said Port and Settlements as are immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
VI of 1811	A Regulation for rescinding such Parts of Regulation XXVII. 1793, as declare the Holders of Lakheraj and Malguzarry Lands entitled to a Compensation on account of the Abolition of the Sayer.	The whole.
X of 1811	A Regulation for preventing the Importation of Slaves from Foreign Countries, and the Sale of such Slaves in the Territories immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
XII of 1811	A Regulation for augmenting the Number of Judges of the Courts of Sudder Dewanny Adawlut, according as may from time to time appear necessary for the Despatch of the Business of those Courts.	The whole.
I of 1812	A Regulation for modifying certain Parts of Regulation IX. 1810; for imposing a Duty on Horses imported by Sea, with an Exception to Horses imported from Europe; and for prohibiting the exportation of Woollens from Bengal to China.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
II of 1812	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees and other Coins, with certain Exceptions, at the Mints established at Calcutta, Furruckabad, and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the Coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints respectively.	The whole Regulation, except sections 1 and 3, so much of section 5 as is unrepealed, and section 6.
VII of 1812	A Regulation for rescinding Regulations XV. 1810, and IV. 1811.	The whole.
XIV of 1812	A Regulation for modifying, in certain Cases, the Rule contained in Section 2, Regulation V. 1812, regarding the Grant of Leases by the Proprietors of Lands in the Ceded and Conquered Provinces to their Tenants.	Sections 2 and 3.
XV of 1812	A Regulation for extending to the Ceded and Conquered Provinces, and to the Province of Benares, certain Parts of Regulation I. 1811; and for rescinding Regulation II. 1810.	The whole Regulation, except so far as it extends Regulation I. 1811, section 10.
XVI of 1812	A Regulation for authorizing the Judge of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs to execute Judgments passed by the Court of Requests for the Town of Calcutta.	The whole.
XIX of 1812	A Regulation for making certain Alterations in the Rules before established for the Collection of the Government Customs and Town Duties.	So much as has not been repealed.
XXI of 1812	A Regulation for rescinding certain Parts of Regulation I. 1811.	The whole.
I of 1813	A Regulation for modifying the Rules established respecting the Settlement of Cuttack, the Pergunnah of Puttaspore, and its Dependencies.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VII of 1813	A Regulation for extending to the Ceded and Conquered Provinces the Provisions contained in Regulation III. 1801, and in Section 13, Regulation VIII. 1794; and for rescinding parts of Sections 11 and 15, Regulation I. 1803.	So much as has not been repealed.
XII of 1813	A Regulation for modifying some of the Provisions in the Regulations before enacted for the Collection of the Government Customs and Town Duties.	So much as has not been repealed.
XIV of 1813	A Regulation for abolishing the Duties before established on the Importation of Horses by Sea, or through the District of Cuttack.	The whole.
XV of 1813	A Regulation for the general Abolition of the Office of Dewaun to the Collectors of the Land Revenue in the Provinces immediately dependent on the Presidency of Fort William.	The whole.
IV of 1814	A Regulation for repealing Regulation VIII. 1812.	The whole.
V of 1814	A Regulation for amending such Parts of the Regulations before enacted as relate to the Appointment of the Judges of the Provincial Courts of Appeal and Circuit.	The whole.
VII of 1814	A Regulation for modifying a Part of the Provisions contained in Regulation X. 1809, respecting the Copper Coinage of the Province of Benares.	The whole.
IX of 1814	A Regulation for explaining the extent and meaning of Regulation XIII. 1813, and Regulation III. 1814.	The whole.
X of 1814	A Regulation for explaining so much of Regulation I. 1814, as relates to Engagements contracted between Government and Individuals.	The whole.
XIII of 1814	A Regulation for the abolition of the Office of Cutwal in the Cities of Dacca, Patna, and Moorshedabad.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XX of 1814	A Regulation for rescinding the Regulations in force relative to the College of Fort William.	The whole.
XXV of 1814	A Regulation for modifying the Constitution and Jurisdiction of the Sudder Dewanny Adawlut and of the Provincial Courts, for expediting the Trial of Civil Causes in those Courts, and for defining more fully the Powers of single Judges holding the Sittings of those Courts, or of the Nizamut Adawlut and Courts of Circuit.	The whole Regulation, except section 15.
III of 1815	A Regulation for continuing the existing Settlement of the District of Cuttack, the Pergunnah of Puttaspore, and its Dependencies, until the Expiration of the year 1223, Umlee.	The whole.
IV of 1815	A Regulation for modifying some of the Provisions at present in Force for the Collection of Customs on certain Articles of Commerce in the Territories immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
II of 1816	A Regulation for re-establishing the Office of Canoongoe in that portion of the Province of Behar which forms the Districts of Shahabad, Tirhoot, Sarun, and Behar.	The whole.
III of 1816	A Regulation for rescinding Regulation XII. 1808.	The whole.
IV of 1816	A Regulation for allowing Prisoners confined under Process of the Civil Courts to deliver Petitions upon unstamped paper in certain Cases, and to make further Provision for the Treatment of Prisoners in the Civil Jails.	So much as has not been repealed.
VI of 1816	A Regulation for extending for a further period of three years the existing Settlement of Cuttack, Pergunnah Puttaspore, and its Dependencies, in all Cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of the Land.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XII of 1816	A Regulation for the establishment of a Custom House at Cox's Bazar, for the Collection of Government Customs.	The whole.
XIV of 1816	A Regulation to provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads or other Public Works:—Also to place the Jail at Alipore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	Sections 2, 3, 11, 12, 13, and 14.
XVI of 1816	A Regulation for extending for a further period of five years the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government in all Cases in which the Settlement may have been concluded with the actual Proprietors of the Land.	The whole.
XVIII of 1816	A Regulation for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a Part of the Territories of His Excellency the the Nawaub Vizier.	Sections 3 and 4.
XXI of 1816	A Regulation for modifying section 43, Regulation XLV. 1803, which prescribes a specified weight for the Copper Pice to be coined at the Mint of Furruckabad.	The whole.
II of 1817	A Regulation for re-establishing the Office of Canoongoe, in those Portions of the Districts of Ramghur, Bhaugulpore, and Purneah, which are comprised in the Province of Behar.	The whole.
IV of 1817	A Regulation for annexing to the Zillah of Seharumpore the Tract of Country called Deyra Doon, formerly composing a Part of the Territories of the Rajah of Nepaul.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
V of 1817	A Regulation for declaring the Rights of Government and of Individuals with respect to hidden Treasure, and for prescribing the Rules to be observed on the Discovery of such Treasure.	Sections 3 and 4.
IX of 1817	A Regulation for rescinding Regulation V. 1815.	The whole.
XIV of 1817	A Regulation for amending certain Parts of Regulation II. 1812.	The whole.
XXV of 1817	A Regulation for fixing the Weight of the Pice struck at the Calcutta Mint, and for giving general Circulation to Pice struck at any of the Mints subordinate to this Presidency.	The whole.
XXVI of 1817	A Regulation for authorizing the Circulation of Furruckabad Rupees coined in either of the Mints of Calcutta, Furruckabad, or Benares, or at any other Mint established by Order of the Governor-General in Council.	The whole.
II of 1818	A Regulation for annexing to the Zillah of Bundlecund the Elakeh of Khundeh, appertaining to the Pergunnah of Mahoba, together with certain Villages belonging to the Pergunnah of Choorkee, on the right Bank of the Jumna, formerly composing a part of the Territories of Nana Govind Row.	Sections 3 and 4.
V of 1818	A Regulation for the Appointment of a Commissioner to be vested with Special Powers in the Administration of Civil Affairs in Zillah Cuttack.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
IX of 1818	A Regulation for extending for a further period of five years the existing Settlement in the Conquered Provinces lying on the right and left Banks of the River Jumna, with the exception of the Southern Division of the District of Scharumpore and in the Territory ceded to the British Government by his Highness the Peishwa in Bundlecund, in all Cases in which the Settlement may have been concluded with the actual Proprietors of the Land.	The whole.
XIII of 1818	A Regulation for extending for a further period of three years the existing Settlement of Cuttack, Pergunnah Puttaspore, and its Dependencies, in all Cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of Land.	The whole.
XI of 1819	A Regulation for discontinuing the coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal Currency of the Province of Benares; for altering the Standard of the Furruckabad Rupees; and for defining the Rate at which that Rupee is to be received within the Province of Benares.	The whole.
V of 1820	A Regulation for imposing a general Custom Duty on Tobacco.	So much as has not been repealed.
VI of 1820	A Regulation for rescinding sections 46, 47, and 48, Regulation XLV. 1803.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
I of 1821	A Regulation for the Appointment of a Special Commission in the Ceded and Conquered Provinces, for the Investigation and Decision of certain Claims to recover Possession of Land illegally or wrongfully disposed of by Public Sale, or lost through Private Transfers effected by undue Influence; and for the Correction of the Errors or Omissions of the Proceedings adopted by the Revenue Officers in regard to the Record and Recognition of Proprietary Rights, and the Ascertainment of the Tenures, Interests, and Privileges of the Agricultural Community.	The whole.
V of 1821	A Regulation for settling the Rates at which Benares and Furruckabad Rupees shall be received in Payment of the Revenue of Malguzars, whose Engagements are expressed in Gohurshahee or Trisoolee Rupees.	The whole.
V of 1822	A Regulation for amending certain Provisions of Regulation IX. 1808.	The whole.
I of 1823	A Regulation to amend certain Parts of Regulation I. 1821.	The whole.
V of 1823	A Regulation for giving Currency throughout the Provinces dependent on the Presidency of Fort William, to Rowannahs issued by the Officers in Charge of the Dehlee Territory, for reducing the Transit Duty chargeable on Piece-goods, the Manufacture of the British Territories, from Seven and a Half to Two and a Half per Cent.; and for making certain other Alterations in the Rules applicable to the Collection of Customs.	So much as has not been repealed.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
I of 1824	A Regulation for enabling the Officers of Government to obtain, at a fair Valuation, Land or other immoveable Property required for Roads, Canals, or other Public Purposes; and for declaring in what manner the Claims of the Zemindars, and of the Officers in the Salt Department, are to be adjusted in certain Districts, where Lands are required for the Purposes of Salt Manufacture.	So much as has not been repealed.
II of 1824	A Regulation for abolishing the Furruckabad Mint, and for modifying some of the Rules in force relative to the Furruckabad Rupee.	The whole.
IX of 1824	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Conquered Provinces and in Bundlecund for a further period of five years.	The whole Regulation, except section 4.
V of 1825	A Regulation for removing certain Doubts as to the Legality of an Union of the Powers of Judge and Collector in the same Individual.	The whole.
X of 1825	A Regulation more distinctly to define the Meaning and Intent of the Provisions contained in Regulations XXXI. of 1793 and XXXVII. of 1803, which prescribe Rules for the Conduct of Commercial Residents carrying on Trade for themselves.	The whole.
XVIII of 1825	A Regulation for annexing the Settlement of Chinsurah, and other Territories ceded to the British Government by the Government of the Netherlands to the Zillah and City Jurisdictions most contiguous thereto; and to provide for the Administration of the said Territories.	Sections 4, 5, 8, 9, and 10.
I of 1826	A Regulation for augmenting the Number of Judges of the Provincial Courts of Appeal and Circuit, as may from time to time appear necessary.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
II of 1826	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government, for a further period of five years.	The whole.
IV of 1826	A Regulation for expediting the Proceedings of the Mofussil and Sudder Special Commissions, acting under the Provisions of Regulation I. 1821.	The whole.
V of 1826	A Regulation for annexing to the Zillah of Agra the Pergunnah of Goberdhun.	Section 2, excepting the first twelve words, and sections 3, 4, and 5.
VII of 1826	A Regulation for transferring the Control of the Benares Mint from the Board of Revenue in the Central Provinces to a local Committee.	The whole.
II of 1827	A Regulation to legalize certain Criminal Trials held in the Division of Bareilly.	The whole.
II of 1828	A Regulation for rescinding parts of Regulation I. 1799.	The whole.
III of 1829	A Regulation for abolishing certain Official Designations amongst the Judges of the Courts of the Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts; for amending the Rules at present in Force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other Public Officers, to take the prescribed Oaths of Office before the Governor-General in Council; for providing for the Decision of Civil Suits and Appeals in the Provincial Courts in certain Cases; for amending Regulation VIII. 1825; and for discontinuing the Offices of Hindoo and Mahomedan Law Officer in the Provincial Courts.	Sections 1, 2, 3, 4, and 5.
V of 1829	A Regulation for rescinding part of Regulation X. 1817, and parts of Regulation XXI. 1825.	Section 2, and section 3, clause 1.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
IX of 1829	A Regulation for rescinding some of the Rules of Regulation XXX. 1793, and the corresponding Rules for Benares and the Ceded Provinces, and for placing the Commercial Agents of the East India Company on the same Footing towards Natives of the Country as other Persons.	The whole.
XIII of 1829	A Regulation for abolishing the Office of Superintendent and Remembrancer of Legal Affairs.	So much as has not been repealed
XVIII of 1829	A Regulation to rescind section 3, Regulation IV. 1829, and to make further Modifications in the Provisions of Regulation I. 1821, and Regulation I. 1829.	The whole.
I of 1830	A Regulation for rescinding certain Provisions of Regulation I. of 1829, in regard to the Administration of Civil Justice in Zillah Midnapore.	The whole.
V of 1830	A Regulation for amending the Provisions of Regulation VI. 1823, and for providing more effectually for enforcing the execution of Contracts relating to the Cultivation and Delivery of Indigo Plant.	Section 2.
I of 1831	A Regulation for rescinding Clause 2nd, section 3, Regulation XVI. 1825.	The whole.
II of 1831	A Regulation to remove Doubts regarding the Legality of certain Criminal Trials.	The whole.
III of 1831	A Regulation for legalizing the Circulation of Copper Half-Anna and Single Pie-Pieces.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VI of 1831	A Regulation for the Appointment of one or more Judges, to be ordinarily stationed at Allahabad, for the purpose of exercising the Powers and Authority of the Sudder Dewanny and Nizamut Adawlut, within the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Shaharunpoor, Mozuffurnuggur, and Bolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the Powers and Authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories.	Section 7, so far as it relates to the Court of Sadr Díwání Adálat.
VII of 1831	A Regulation for enabling the Governor-General in Council to afford Relief to the Commissioners of Circuit, by vesting the Zillah and City Judges, not being Magistrates, with Powers to hold Monthly Gaol Deliveries within their respective Jurisdictions (whenever that measure may be deemed advisable), and for defining the Powers and Duties of the Judges, or other Officers, not being in Charge of the Office of Commissioner, who may be appointed to hold any Gaol Delivery while so employed.	So much as has not been repealed.
IX of 1831	A Regulation for the more speedy and efficient Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	So much as has not been repealed.
II of 1832	A Regulation for the better administration of Criminal Justice and the Police in certain Cases.	So much as has not been repealed.
III of 1832	A Regulation for extending the Provisions of Regulation X. 1811.	So much as has not been repealed.

No. of Regulation	Title of Regulation.	Extent of Repeal.
VI of 1832	A Regulation for enabling European Functionaries to avail themselves of the Assistance of respectable Natives in the Administration of Civil or Criminal Justice, and for modifying or dispensing with Futwas by Mahomedan Law Officers in certain Trials.	So far as it relates to Courts for the administration of Civil Justice.
VII of 1832	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing supplementary Rules to that Enactment.	The whole Regulation, except sections 8 and 9.
VIII of 1832	A Regulation for rescinding Regulation XIV. 1814.	Sections 2 and 4.
II of 1833	A Regulation for empowering the Governor-General in Council to abolish the Provincial Courts of Appeal.	The whole.
V of 1833	A Regulation for forming the Jurisdiction of the City of Dacca and the Zillah of Dacca Jelalpore into one District.	Sections 2 and 4.
VII of 1833	A Regulation for altering the Weight of the new Furruckabad Rupee, and for assimilating it to the Legal Currency of the Madras and Bombay Presidencies; for adjusting the Weight of the Calcutta Sicca Rupee, and for fixing a Standard Unit of Weight for India.	The whole.
I of 1834	A Regulation for limiting and defining the Boundary within which the Calcutta Town Duties are leviable.	The whole.

TAX ON TRADES AND PROFESSIONS.

ACT No. IX OF 1868.

(Received the assent of the Governor-General on the 2nd April 1868.)

An Act for taxing Professions and Trades.

Recites the expediency of Taxing Professions and Trades.

Preliminary, 1—4.

1. Interprets the terms "Magistrate," "Person," "Defaulter."

2. Repeals Acts XVI of 1867 and XXIX of 1867.

3. Exempts from operation of the Act specified descriptions of persons, *viz.* (1) Officers of the Army, (2) Non-Commissioned Officers and Privates, (3) Officers of Police Force whose pay and allowances do not exceed Rs. 6,000 per annum, (4) Cultivators of land not keeping shops, &c., Servants and Clerks whose pay is less than Rs. 1,000 per annum, and specified members of Companies.

4. Authorises the Governor-General in Council to exempt and revoke the exemption of any tribe or class.

PART II.

Certificates, 5—16.

5—11. Requires persons in profession or trade making a profit of Rs. 500 to take out a certificate in form prescribed, (16) which shall have effect till the 13th April following, and (7) be then renewed, and so on from year to year; and (8) renewed certificate to bear what date; and (9) persons commencing business in the course of a year shall be liable only for a proportionate part of the year; (10) certificates to be granted by Collector of Land Revenue; and (11) shall specify what.

12—16. The Collector to determine to what class persons shall belong, and (13) shall annually prepare the list of certificate holders; and (14) entitles persons in the list to make objection to their assessment by stamped petition, (15) the hearing of which shall be brought on, in manner prescribed; and (16) authority is given to Collectors, &c., to summon witnesses, &c.

III.—Penalties, 17—21.

17—20. Prescribes penalty for not taking out a certificate, and (18) for not producing certificate when required; and (19) directs in what manner fines may be recovered, but (20) proceedings to be only at instance of Collector.

21. Brings proceedings under this Act within the words Judicial Proceeding, in Sections 193 to 228 of Indian Penal Code.

IV.—Companies, 22.

22. Directs Treasurers, &c., of Joint Stock Companies to take out certificates under the Act, and pay in advance for branches, and to make specified returns to Collectors.

V.—Government Officials, 23.

23. Provides that every person holding any paid office, &c., under Government, except exempted persons, shall be deemed to exercise a profession, but he need not take out a certificate, and payment may be made by deduction from his official income as it is paid.

VI.—Servants of Companies, 24.

24. Provides for payment of the tax to which servants of Companies are liable.

VII.—Time of Payment, 25—30.

25—30. Makes the taxes, except when paid by deduction from salaries, payable on 1st May of each year, and may in specified case be paid by instalments; and (26) exempts from payment of second instalment in specified cases of insolvency, &c.; and (27) provides for a return of a moiety of a payment in the like cases; (28) provides for recovery of second instalment; and (29) in specified cases outside Calcutta, Madras, and Bombay, makes the tax recoverable as if it were an arrear of land revenue; and (30) all payments shall be credited as Government may direct.

VIII.—Miscellaneous, 31—36.

31—33. Provides for exercise of powers of a Collector by other Officers, and (32) for service of notices; and (33) empowers Government to declare what shall be deemed the principal place of business of Companies for the purposes of this Act.

34. Authorises local Government to appoint establishments, &c.

35. Authorises the Governor-General of India in Council to make general rules for guidance of Officers under the Act.

36. Makes the Act come into operation, 1st May 1868.

Schedule A. The rates of the tax on Classes 1 to 10.

——— B. Form of Petition and of Verification.

Preamble.

WHEREAS it is expedient to impose a tax on all persons exercising professions and trades in British India; It is hereby enacted as follows:—

I.—PRELIMINARY.

Interpretation-clause. "Magistrate."

I. In this Act—unless there be something repugnant in the subject or context—"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police and a Justice of the Peace, and "person" includes a firm, and "defaulter" a firm making default under this Act.

"Person." "Defaulter."

Repeal of Acts.

II. Acts No. XXI of 1867 *(for the licensing of professions and trades)* and No. XXIX of 1867 *(to explain and amend Act No. XXI of* 1867*)* are hereby repealed; but save as aforesaid, nothing in this Act shall be construed to effect the provisions of any other law relating to taxes or licenses.

Saving of other laws relating to taxes or licenses.

Exemptions from Act.

III. Nothing in this Act shall apply to—

(1.)—Officers of Her Majesty's Forces or of Her Majesty's Indian Forces, whose pay and allowances do not exceed rupees 6,000 per annum, and who are not in Civil employment other than employment in the Police:

(2.)—Non-Commissioned Officers and Privates of either of the said Forces, whose pay and allowances do not exceed rupees 6,000 per annum:

(3.)—Officers of any Police Force whose pay and allowances do not exceed rupees 6,000 per annum; or

(4.)—Any part of British India, tribe or class of persons exempted by order under section 4 of the said Act No. XXI of 1867.

And no cultivator of land who does not keep a shop or factory for the sale or manufacture of the produce of such land; no servant or clerk (whether of Government a Corporation,

a Company, a Municipal Committee, a firm, or an individual) whose pay, as such, amounts in the year to less than rupees 1,000;

and no member of a Company or firm which is for the time being certificated under this Act—

shall be liable, as such, to take out a certificate under this Act.

Power to exempt from Act.

IV. The Governor-General of India in Council may from time to time, by order, wholly exempt from the operation of this Act any part of British India, or any tribe or class of persons in British India, or in any such part.

The Governor-General of India in Council may revoke any such order and any order made under the said section 4 of Act No. XXI of 1867.

All orders and revocations made under this section shall be published in the *Gazette of India*, and also in the local Gazette.

II.—CERTIFICATES.

Certificates to be taken out.

V. Every person who, on or after the the first day of May 1868, exercises any profession or trade, and whose annual profits from his profession or trade, professions or trades, are rupees 500 or upwards, shall take out a certificate, and shall annually pay in advance for the same the sum specified in schedule A hereto annexed.

Continuance of certificate.

VI. Every such certificate shall have effect and continue in force from the day of the date thereof until the thirtieth day of April next following, on which day in each year all such certificates shall expire.

Renewal of certificate.

VII. Every person who has taken out any such certificate, and who intends to continue any profession or trade for which such contificate was granted, shall take out a fresh certificate for the year following, to expire on the day last hereinbefore mentioned, and shall so renew the same from year to year so long as he continues such

profession or trade, and shall pay, in each such case, the duty for the time being thereupon imposed.

Date of certificate.

VIII. In cases where the certificate is so renewed, the new certificate shall bear date from the day of the expiration of the current certificate before granted.

In all other cases the certificate shall bear date from the day of the application made therefor, although it may be delivered at any day subsequent to the application.

Certificate to persons commencing business.

IX. If any person, after the first day of May in this or any subsequent year, commences any profession or trade for the exercise of which a certificate is hereby required, such person not having before taken out any such certificate, the Collector may grant such certificate for the remainder of the current year in which it is taken out, ending on the thirtieth day of April next following the date of the commencement of the said profession or trade, upon payment of such proportional part of the duty thereupon imposed as hereinafter mentioned (that is to say):—

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of July of the current year in which it is commenced, the person taking out the certificate shall pay the whole duty imposed thereon;

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of October of such current year, he shall pay three-fourth parts of the said duty.

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of January of such current year, he shall pay one-half of the said duty; and

If the profession or trade be commenced at any time in the quarter expiring on the thirtieth day of April of such current year, he shall pay a fourth part only of such duty.

Officer to grant certificates.

X. Every certificate under this Act shall be granted by, and the sum payable therefor shall be paid to, the Collector of land revenue for the place or district at or in which the person requiring the certificate exercises his profession or trade:

Provided that, if such person exercises his profession or trade at or in more than one place or district, the certificate shall be granted and payment made by and to the Collector for the place or district at or in which the principal place of business in British India of the person requiring the certificate is situate.

Every such certificate shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

Contents of certificate.

XI. Every such certificate shall specify—

(1.)—The year or portion of the year for which it is granted;

(2.)—The name and profession or trade of the holder;

(3.)—The sum paid for the certificate; and

(4.)—The place or places, district or districts, where the holder intends to exercise his profession or trade until the thirtieth day of April next following; and shall be received in evidence as *primâ facie* proof of all matters contained therein.

Collector to determine certificate-holders and classes.

XII. The Collector shall from time to time determine what persons are liable to take out certificates under this Act, and under which of the classes mentioned in the said schedule every person to whom a certificate may be granted under this Act shall be assessed; and also, in the case of a person commencing a profession or trade, what shall be deemed to be, for the purposes of section 9, the date of such commencement.

List of certificate-holders.

XIII. As soon as may be after the first day of May in every year, the Collector shall prepare a list of the persons liable to take out certificates under this Act for the current year, and may from time to time alter and add to the said list.

Such list shall state—

(1.)—The profession or trade of each person therein named;

(2.)—The class under which he is assessed; and

(3.)—The sum payable for his certificate.

The list shall be filed in the Collector's office, and the list or such part or parts thereof as he thinks fit shall be filed in such

other places as he directs, and shall be open to public inspection at all reasonable times without the payment of any fee.

Objection to list.

XIV. Any person named in such list, and objecting to the class under which he is assessed, or denying his liability to be assessed under this Act, if he has paid the sum in which he was assessed under this Act, or (where such sum equals or exceeds rupees forty) if he has paid one moiety thereof, may, within thirty days from such payment, apply by petition to the Collector in order to establish his right to have his name transferred to another class, or removed from the list.

Petition of objector.

The petition shall bear a stamp of eight annas, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Hearing of petition.

XV. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, shall hear such petition and pass such order thereupon as to him seems fit.

If the order be in favour of the petitioner, the Collector shall at once refund the value of the said stamp together with the excess paid by the petitioner, or (when the order is that the petitioner's name be removed from the list) the whole sum so paid by him.

Appeal from order on petition.

Any person dissatisfied with any order under this section may, within fifteen days from the date thereof, present an appeal in writing to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Every appeal preferred under this section shall bear a stamp of one rupee, and shall be accompanied by a copy of the petition, and the Collector's order thereon (both of which may be on

unstamped paper), and all other documents (if any) connected with the case.

When the decision on such appeal is in favour of the appellant, the value of the stamp on his appeal, together with the excess paid by him, or (when the decision is that his name be removed from the list) the whole sum so paid, shall at once be refunded.

Power to summon persons to give necessary information.

XVI. The Collector or Commissioner and every officer or person exercising the powers of a Collector or Commissioner under this Act, may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine under which of the said classes the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the petitioner's profession or trade, or to the amount of the annual profits accruing therefrom.

III.—Penalties.

Penalty for not taking out a certificate.

XVII. If at any time not less than fifteen days after the name of any person has been included in the list mentioned in section 13, the Collector has caused a notice to be served on such person, stating the class under which he has been assessed, and requiring him within seven days from the date of the service to take out a certificate and to pay for the same the sum (mentioning it) payable therefor under the provisions of this Act;

and if the person so served does not, within the period specified in the said notice, take out a certificate and pay for the same as required by the said notice,

he shall, on conviction before a Magistrate, be fined twice the sum mentioned in such notice.

On the recovery of the fine from the person so convicted, the Collector shall grant him a certificate without any further payment.

Every such certificate shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to certificates shall apply to certificates granted under this section.

Certificate to be produced on demand.

XVIII. Every person required by this Act to take out a certificate, who, without reasonable excuse, neglects or refuses to produce and show his certificate when required so to do by the Collector or by an officer generally or specially empowered in writing by the Collector to make such requisition, shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Mode of recovering fines.

XIX. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, or Bombay, in the manner prescribed by the Code of Criminal Procedure; and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm which may be found within his jurisdiction, and (if the firm has not sufficient property within such jurisdiction whereon to levy the fine) of any moveable property belonging to the members of the firm or any of them, which may be found within the same jurisdiction.

Prosecution to be at instance of Collector.

XX. No person shall be proceeded against for any offence under section 17 or section 18 except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings under this Act.

XXI. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

IV.—COMPANIES.

Provision as to Companies.

XXII. The Treasurer, Secretary, or principal Agent or Manager in India of every Company carrying on business in British India on or after the first day of May 1868, whose stock or funds is or are divided

into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not, shall take out a certificate on behalf of such Company, and annually pay in advance for such certificate the sum of rupees 500 and a further sum of rupees 500 for each of the Company's Branches and Agencies (if any) in British India; or, if he shall prefer so to do, the sum of one per cent. on the dividend declared by such Company during the year ending on the thirty-first day of March in the year of assessment.

Every such Treasurer, Secretary, or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this Act.

Such Treasurer, Secretary, or principal Agent or Manager shall in every year in which he prefers to pay the aforesaid percentage, be legally bound to prepare, and, on or before the thirtieth day of April in such year, to deliver to the Collector for the place or district at or in which the Company's principal place of business in British India is situate, a return in writing signed by him, and stating the dividend declared by the Company during the year ending on the thirty-first day of March in the year of assessment.

All the other provisions of this Act relating to certificates and to persons required to take out certificates shall apply, *mutatis mutandis*, to certificates taken out under this section, and to every such Treasurer, Secretary, or principal Agent or Manager, as if he were liable to take out a certificate on his own behalf and to pay for the same the sum payable under this section.

V.—Government Officials.

Provision as to Government officials.

XXIII. Every person holding any paid office, employment, or commission under Her Majesty or under the Government of India, or under any Local Government, other than the persons exempted under section 3 or by order under section 4, shall be deemed to exercise a profession within the meaning of this Act: Provided that he shall not be required to take out a certificate under this Act in respect of such office, employment, or commission.

The sum which, but for this proviso, he would have paid for a certificate, shall, notwithstanding anything hereinbefore contained, be one per cent. of the amount of his pay, and shall be deducted therefrom at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

In determining under which of the classes mentioned in the said schedule A any person holding any such office, employment, or commission, and permitted, nevertheless, to exercise a profession or trade, shall be assessed, the Collector shall neglect the amount of the pay which such person receives in respect of his office, employment, or commission.

VI.—Servants of Companies.

XXIV. No person holding a paid employment under any such Company as is mentioned in section 22 shall be liable, as such, to take out a certificate under this Act: but one per cent. of the amount of his pay, when such pay amounts in the year to rupees 1,000 or upwards, shall be deducted therefrom at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Provision as to servants of Companies.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, Treasurer, or other officer as aforesaid, is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary, or principal Agent or Manager of every such Company shall be legally bound to prepare, and, on or before the thirtieth day of April in this and every subsequent year, to deliver to the Collector of the place at which its principal place of business in British India is situate, in such form as may from time to time be prescribed by the Governor-General of India in

Council, a return in writing showing the names of all persons holding at the date of the said return paid employments under the Company, whose pay, as such, amounts in the year to rupees 1,000 or upwards, together with the salaries payable by the Company to such persons respectively.

In determining under which of the classes mentioned in the said schedule A any person holding any such employment and exercising, nevertheless, a profession or trade, shall be assessed, the Collector shall neglect the amount of the pay which such person receives in respect of his said employment.

VII.—Payment of the Tax.

XXV. All taxes under this Act, except when they are deducted under section 23 or section 24, shall be payable on the first day of May in each year:

Tax when payable.

Instalments.

Provided that in every case where the amount so payable equals or exceeds rupees forty, it may be paid in each year by two instalments: the first instalment to be paid on some day not later than fifteen days after the name of the person paying the same shall have appeared in the list mentioned in section 13, and the second instalment on the first day of November;

Payment by instalments.

If in any such case the whole amount be paid on or before the day on which the said first instalment is to be paid as aforesaid, the person paying such whole amount shall be entitled to a discount of two and a half per cent. on the amount of the second instalment.

Discount.

XXVI. When any person pays only such first instalment, and, between the first day of May and the second day of November, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of which his certificate was granted, or takes the benefit of any Act for the

Death or insolvency of person paying first instalment.

relief of insolvent debtors, the amount of the second instalment shall not be claimable.

Firm paying first instalment and dissolving partnership or becoming insolvent.

When any firm pays only such first instalment, and, between the first day of May and the second day of November, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, the amount of the second instalment shall not be claimable.

Death or insolvency of person paying whole amount.

XXVII. When any person pays the whole amount as aforesaid, and, between the first day of May and the second day of November, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of which his certificate was granted, or takes the benefit of any Act for the relief of insolvent debtors, one moiety of such amount, less the said discount (if any), shall be paid to his representative, or himself, or his assignee, as the case may be.

Firm paying whole amount and dissolving partnership or becoming insolvent.

When any firm pays the whole amount as aforesaid, and, between the first day of May and the second day of November, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, one moiety of such amount, less the said discount (if any), shall be re-paid under such rules as the Governor-General of India in Council shall from time to time prescribe.

Recovery of Second Instalment.

Recovery of second instalment.

XXVIII. If the Collector has caused a notice to be served on any person liable to pay the said second instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

Recovery under Revenue-law.

XXIX. In any case arising outside the local limits of the towns of Calcutta, Madras, or Bombay, the Collector may, if he thinks fit, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue:

Optional recovery under revenue-law.

Provided that, at some time not less than fifteen days after the name of the defaulter has been included in the list mentioned in section 13, the Collector has caused a notice to be served on him stating to the effect mentioned in section 17 or section 28 (as the case may be): provided also, that the defaulter has not, within the period specified in such notice, complied with the requirement made therein.

On the recovery of the tax from the defaulter, the Collector shall grant him a certificate without any further payment.

Every such certificate shall bear date from the recovery of the tax, and, save as aforesaid, the provisions of this Act relating to certificates shall apply to certificates granted under this section.

Payment of Taxes and Fines.

XXX. All taxes levied and all fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Payment of taxes levied and fines recovered under this Act.

VIII.—MISCELLANEOUS.

XXXI. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue, may be exercised and performed by such other officers or persons as the local Government shall from time to time appoint in this behalf.

Powers of Collector and Commissioner under this Act may be exercised by other officers.

XXXII. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Service of notices.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person therein named is dwelling, or, in the case of a firm, in which the business thereof is ordinarily carried on.

Power to declare principal place of business.

XXXIII. When any Company, such as is mentioned in section 22, or any person, has several places of business in the territories subject to different Local Governments, the Governor-General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any such Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any such Company or any person has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

The powers given by this section may be delegated to, and exercised by, such officers as the Governor-General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

Salaries and establishments.

XXXIV. The Local Government may, with the previous sanction of the Governor-General of India in Council, assign such salaries as such Government may from time to time deem proper to the officers appointed under this Act, and allow such establishments for their respective offices as may be necessary for the purposes of this Act.

Governor-General in Council empowered to make rules.

XXXV. The Governor-General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and

may delegate to any Local Government the power given by this section so far as regards the territories subject to such Government.

Commencement of Act.

XXXVI. This Act shall come into operation on the first day of May 1868.

SCHEDULE A.

Tax on Professions and Trades.

Class I.

	Rupees.
Persons whose annual profits shall be assessed at rupees 400,000 and upwards	6,400

Class II.

Persons whose annual profits shall be assessed at rupees 200,000, or at more than rupees 200,000 and less than rupees 400,000 ...	3,200

Class III.

Persons whose annual profits shall be assessed at rupees 100,000, or at more than rupees 100,000 and less than rupees 200,000 ...	1,600

Class IV.

Persons whose annual profits shall be assessed at rupees 50,000, or at more than rupees 50,000 and less than rupees 100,000 ...	800

Class V.

Persons whose annual profits shall be assessed at rupees 25,000, or at more than rupees 25,000 and less than rupees 50,000... ...	400

Class VI.

Persons whose annual profits shall be assessed at rupees 10,000, or at more than rupees 10,000 and less than rupees 25,000... ...	160

Class VII.

Persons whose annual profits shall be assessed at rupees 5,000, or at more than rupees 5,000 and less than rupees 10,000 ..	80

Class VIII.

Persons whose annual profits shall be assessed at rupees 2,500, or at more than rupees 2,500 and less than rupees 5,000 ...	40

Class IX.

Persons whose annual profits shall be assessed at rupees 1,000, or at more than rupees 1,000 and less than rupees 2,500 ...	16

Class X.

Persons whose annual profits shall be assessed at rupees 500, or at more than rupees 500 and less than rupees 1,000... ...	8

SCHEDULE B.

Form of Petition under Section 14.

Stamp eight annas.

To the Collector of

The *day of* 186 .

The petition of *A. B.*, of

Sheweth—

1*st.*—That in the list filed in your office pursuant to the 13th section of Act No. IX of 1868, on the day of 186 , your petitioner's name appears under the *ninth* of the classes mentioned in schedule A to the said Act annexed, that he has been assessed in the sum of rupees *sixteen* for the certificate granted to him under such Act, and that he has paid such sum accordingly.

2*nd.*—That the profits of your petitioner's profession [*or* trade] of [*here* state *petitioner's profession or trade*] for the year ending the thirtieth day of April last were rupees [*more than rupees* 500 *and less than rupees* 1,000, *or less than rupees* 500], as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

Your petitioner therefore prays that you will remove his name from the *ninth* to the *tenth* of the said classes, that he may be assessed accordingly, and that the excess of rupees *eight* so paid by him, and the value of the stamp on this petition may be refunded [*or* that his name be removed from the said list, and that the sum of rupees *sixteen* so paid by him, and the value of the stamp on this petition, may be refunded].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

CONSOLIDATED CUSTOMS' ACT AMENDMENT ACT.

ACT No. X OF 1868.

(Received the assent of the Governor-General on the 2nd April 1868.)

An Act to amend the Consolidated Customs' Act.

Recites *expediency of amending* Section 32 of the Consolidated Customs' Act.

1. Amends the same by substituting a new proviso for the proviso in that Section contained.

2. Names the Act as above.

Preamble.

WHEREAS section 132 of the Cosolidated Customs' Act (No. VI of 1863) provides that no refund of duty levied upon goods not shipped or upon goods shipped and afterwards re-landed, shall be allowed, unless application to re-land shall have been made, or notice of non-shipment shall have been given, before the vessel on which such goods were intended to be shipped, or from which they were re-landed, shall have left the port; And whereas it is expedient to extend the time within which such application or notice may be made or given; It is hereby enacted as follows:—

Amendment of Act No VI of 1863, section 132.

I. For the proviso contained in the said section, the following shall be substituted:—

Provided that no such refund shall be allowed unless application to re-land shall have been made, or notice of non-shipment shall have been given, within three clear working days after the vessel on which such goods were intended to be shipped or from which they were re-landed shall have left the port.

Short title.

II. This Act may be called the "Consolidated Customs' Act Amendment Act."

TIMBER IMPORT DUTY.

ACT No. XI OF 1868.

(Received the assent of the Governor-General on the 2nd April 1868).

An Act to exempt Timber and Woods from Import Duty.

1. Exempts from Customs' duties, timber and woods imported by sea into British India.

WHEREAS it is expedient to exempt timber and woods imported by sea into British India from the duties of customs chargeable thereon; Preamble.

It is hereby enacted as follows:—

I. Notwithstanding anything contained in "the Indian Customs' Duties' Act, 1867," no duties of customs shall be chargeable on timber and woods imported by sea into British India. Sea-borne timber exempt from import duty.

MILITARY COURTS OF REQUEST.

ACT No. XII OF 1868.

(Received the assent of the Governor-General on the 11th February 1868.)

An Act to empower the Governor-General of India in Council to suspend the operation of Section 17 of Act No. XI of 1841.

Empowers the Government of India to suspend in Military Cantonments out of British India the operation of Act XI, 1841, S. 17.

I. It shall be lawful for the Governor-General of India in Council, by notification in the *Gazette of India*, to suspend in any Military Cantonment beyond the limits of British India, the operation of section 17 of Act No. XI of 1841 *(for consolidating and amending the Regulations concerning Military Courts of Requests for Native officers and soldiers in the service of the East India Company)* from such day as shall be specified in the said notification until further notice, or to such other day as sha be specified in such notification. Power to suspend Act No. XI of 1841, section 17.

THE KING OF OUDH'S ACT, 1868.

ACT No. XIII OF 1868.

(Received the assent of the Governor-General on the 11th April 1868.)

An Act to exempt the King of Oudh from the Jurisdiction of the Civil Courts, and for other purposes.

1. Repeals Act VIII of 1862, S. 4.

2. Exempts the King from liability to process of the Courts without consent of Governor-General of India testified in manner prescribed; and

3. Makes the King incapable of contracting any pecuniary obligation by contract.

4. Saves the Secretary of State and Government of India from liability for debts of the King heretofore contracted.

5. Names the Act as above.

Preamble.

WHEREAS it is expedient to exempt the King of Oudh from the jurisdiction of the Civil Courts, and to render him incapable of entering into certain contracts; It is hereby enacted as follows:—

Repeal of Act VIII of 1862, section 4.

I. Section 4 of Act No. VIII of 1862 *(to protect the personal dignity of His Majesty the King of Oudh)* is hereby repealed.

No suits to be brought against the King of Oudh unless with consent of Government.

II. No suit shall be commenced or prosecuted, and no writ or process shall at any time be sued for, against the person or property of His Majesty the King of Oudh, unless such suit shall be commenced, or such writ or process shall be sued for, with the consent of the Governor-General of India in Council first had and obtained.

Such consent shall be certified by the signature of one of the Secretaries to the Government of India, and every such signature shall be judicially noticed.

And any suit which at any time shall have been or shall be commenced, and any writ or process which at any time shall have been or shall be sued for, against the person or property of His said Majesty without such consent so certified as aforesaid, shall be null and void.

King of Oudh to be incapable of contracting.

III. His said Majesty shall be incapable of entering into any contract which may give rise to any pecuniary obligation on his part.

Nothing in this Act to render Secretary of State or Government of India liable.

IV. Nothing herein contained shall be deemed to render the Secretary of State for India in Council or the Government of India liable for any debt heretofore contracted by or on behalf of His said Majesty, or in respect of any claim to be reimbursed which may be made by any person supplying His said Majesty with necessaries.

Short title.

Commencement of Act.

V. This Act may be called "The King of Oudh's Act, 1868," and shall come into operation on the first day of May 1868.

INDIAN CONTAGIOUS DISEASES' ACT.

ACT No. XIV OF 1868.

(Received the assent of the Governor-General on the 17th April 1868.)

An Act for the Prevention of certain Contagious Diseases.

Recites the expediency of providing for the better prevention of certain contagious diseases.

Preliminary, 1—3.

1. Names the Act as above.

2. Interprets the words "Magistrate," "Contagious Disease," "Brothel-keeper."

3. Provides for the application of the Act to such places as may be determined on by Government.

Unregistered Prostitutes and Brothel-keepers.

4. Prohibits, under penalty, the carrying on of the business of a common prostitute or of a brothel-keeper, without registration.

Registration of Prostitutes and Brothel-keepers, 5—6.

5—6. Authorizes Government to make rules for the registration, and directs what particulars shall be registered; and (6) requires prostitutes and brothel-keepers to give notice of change of residence.

Refusal to show Evidence of Registration.

7. Makes this an offence, and provides a penalty for it.

Special Provisions relating to Brothels, 8—9.

8—9. Provides a penalty against brothel-keepers for permitting unregistered prostitutes to resort to their brothels; and (9) casts on brothel-keepers the duty of furnishing information to officers of Government concerning their employment.

Examination of Prostitutes, 10—11.

10—11. Empowers Government to appoint periodical examiners of registered prostitutes, and (11) to make rules for the conduct of such examinations; and provides a penalty for infraction of rules.

Certified Hospitals, 12—16.

12—16. Empowers Government to provide hospitals for the purpose of this Act; (13) to make Regulations for the inspection, &c., of such hospitals; and (14) obliges prostitute on notice to go into hospital; and (15) authorizes her detention in hospital until discharged by the medical officer of the hospital.

The treatment to be gratis; and (16) provides a penalty for woman leaving the hospital until regularly discharged.

Out-door Treatment of Prostitutes, 17—19.

17—19. Empowers Government to provide for out-door treatment of registered woman; and (18) subjects her to a penalty for conducting herself as a prostitute whilst under treatment; and (19) provides for her subsistence.

Segregation of Prostitutes.

20. Empowers Government to prohibit residence of prostitutes in any street or place specified.

Removal from Register.

21. Empowers Government to provide for the removal of any prostitute's name from the register book.

Miscellaneous, 22—26.

22. Prosecutions under this Act to be only at instance of officer of Government.

23—25. Provides for notices, &c., under the Act; and (24) for service of such notices; and (25) limits time for bringing actions for anything done under the Act.

26. Empowers Government to make rules for officers under the Act.

Preamble.

WHEREAS it is expedient to provide for the better prevention of certain contagious diseases; It is hereby enacted as follows:—

Preliminary.

Short title.

I. This Act may be cited as "The Indian Contagious Diseases' Act, 1868."

Interpretation-clause.

II. In this Act—

"Magistrate"

"Magistrate" means any person exercising the powers of a Magistrate or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police in a Presidency Town:

"Contagious disease."

"Contagious disease" means any contagious venereal disease:

"Brothel keeper."

"Brothel-keeper" means the occupier of any house, room, or place to or in which women resort or are for the purpose of prostitution, and every person managing or assisting in the management of any such house, room, or place.

Extent of Act.

III. The places to which this Act applies shall be such places as the Local Government shall from time to time, with the previous sanction of the Governor-General of India in Council, specify by notification in the Official Gazette. The limits of such places shall, for the purposes of this Act, be such as are defined in the said notification, and

may from time to time, with such sanction as aforesaid, be altered by a like notification.

Unregistered Prostitutes and Brothel-keepers.

Punishment of unregistered prostitutes and brothel-keepers.

IV. In any place to which this Act applies, no woman shall carry on the business of a common prostitute, and no person shall carry on the business of a brothel-keeper, without being registered under this Act at such place, and without having in her or his possession such evidence of registration as hereinafter provided.

Any woman carrying on the business of a common prostitute, and any person carrying on the business of a brothel-keeper, without having been registered as aforesaid, or without having in her or his possession such evidence as aforesaid, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Registration of Prostitutes and Brothel-keepers.

Local Government to make rules for registration, and appoint officers.

V. The Local Government shall make rules for the registration of common prostitutes and of brothel-keepers, and shall appoint officers for the conduct of such registration, and may, with the previous sanction of the Governor-General of India in Council, assign salaries and establishments to the said officers. The Local Government shall also provide such books and forms as may be necessary for the purposes of this Act.

Every woman complying with such rules (so far as they relate to prostitutes), and every brothel-keeper complying with such rules (so far as they relate to brothel-keepers), shall be deemed to be registered under this Act, and the registering officer shall furnish her or him with such evidence of registration as the Local Government shall from time to time direct.

The name, age, caste (if any), and residence of every such woman, and such other particulars respecting her as the Local Government shall from time to time direct, shall be entered in a book to be kept for that purpose.

The name and residence of every such brothel-keeper, and the situation of the house, room, or place in which he carries on his business, shall be entered in a book to be kept for that purpose.

Change of residence.

VI. Whenever any such woman changes her residence, she shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations shall be made in the said book and in the evidence of registration furnished to her as aforesaid.

Any such woman failing to give notice as aforesaid, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Whenever any brothel-keeper changes his residence or acquires or enters into the occupation of any such house, room, or place as last aforesaid, other than the house, room, or place of which the situation has been registered as aforesaid, he shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations or additions shall be made in or to the said book, and in the evidence of registration furnished to him as aforesaid.

Any such brothel-keeper failing to give notice as last aforesaid, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Refusal to show Evidence of Registration.

Penalty for refusing to show evidence of registration.

VII. Any registered woman or brothel-keeper who, without reasonable excuse, neglects or refuses to produce and show the evidence of her or his registration with which she or he shall have been furnished as aforesaid, when required so to do by such officer as the Local Government shall from time to time appoint in this behalf, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Information of the class of officers for the time being, authorized to make requisitions under this Section, shall be furnished to registered women and brothel-keepers, under such rules as the Local Government shall from time to time prescribe.

Special Provisions relating to Brothels.

Penalty for permitting unregistered prostitutes to resort to brothels.

VIII. If any brothel-keeper, whether registered as such under this Act or not, has reasonable cause to believe any woman to be a prostitute and not to be registered under this Act, and induces or suffers her to resort or be, for the purpose of prostitution, to or in the house, room, or place in which he carries on his said business, he shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Proviso.

Provided that nothing in this or any other section of this Act shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house, or for the nuisance thereby occasioned.

Brothel-keepers legally bound to furnish information.

IX. Every such brothel-keeper shall be legally bound to furnish information on any subject relating to his business to such officers, and in such manner and at such times as the Local Government shall from time to time prescribe in this behalf. Every such officer shall, for the purposes of this section, be deemed to be a public servant.

Examination of Prostitutes.

Examination of prostitutes.

X. The Local Government shall have power to appoint persons to make periodical examinations of registered women in order to ascertain whether at the time of each such examination they are affected with contagious disease.

XI. For each of the places to which this Act applies, the Local Government may make rules consistent with this Act respecting the times and places of examination under this Act at that place, and generally respecting the arrangements for the conduct of those examinations and for recording the results thereof; and a copy of rules purporting to be rules under this section shall, if signed by a Secretary to such Government, be evidence of such rules for the purposes of this Act.

Local Government may make rules as to examinations.

The Local Government may also require the persons making such examination to send in reports to such persons at such times and in such form as the Local Government shall from time to time prescribe.

Reports.

Any person not a medical officer appointed to make such examination, and any registered woman, disobeying any rule made under this section, shall, on conviction before a Magistrate, be punished with simple imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Penalty for disobeying rules.

Certified Hospitals.

XII. The Local Government may from time to time provide any buildings or parts of buildings as hospitals for the purposes of this Act.

Local Government may provide and certify hospitals.

Any building or part of a building so provided and certified in writing by a Secretary to the Local Government to be so provided shall be deemed a certified hospital under this Act.

Every certified hospital so provided shall be placed under the control and management of such persons as to the Local Government shall from time to time seem fit.

Control of such hospitals.

XIII. The Local Government shall make regulations for the inspection, management, and government of the hospitals as far as regards women authorized by this Act to be detained therein for medical treatment or being therein under medical treatment for a contagious disease.

Regulations for management of hospitals

A copy of regulations purporting to be regulations made under this section shall, if signed by a Secretary to such Government, be evidence of such regulations for the purposes of this Act.

Registered prostitutes, on receiving notice, to go to hospital.

XIV. Any woman registered under this Act shall, on receiving notice from any such officer as the Local Government shall from time to time appoint in this behalf, proceed to the certified hospital named in such notice, and place herself there for medical treatment.

Penalty for neglect or refusal.

If after the notice is delivered to her, she neglects or refuses to proceed to the said hospital within the time specified in the said notice, an officer of Police shall apprehend her and convey her with all practicable speed to such hospital, and place her there for medical treatment.

Detention of prostitutes under medical treatment.

XV. Whenever any such woman affected with contagious disease places herself, or is placed as aforesaid in a certified hospital for medical treatment, she shall be detained there for that purpose by such medical officer of the hospital as the Local Government shall from time to time appoint in this behalf until discharged by him by writing under his hand.

Medical treatment, lodging, clothing, and food shall be provided gratis for every such woman during her detention in the hospital.

Penalty for leaving hospital before discharge.

XVI. If any woman authorized by such medical officer to be detained in a certified hospital for medical treatment, quits the hospital without being discharged therefrom by the chief medical officer thereof, by writing under his hand (the proof whereof shall lie on the accused), or

Penalty for disobeying regulations of hospital.

if any woman authorized by this Act to be detained in a certified hospital for medical treatment, or any woman being in a certified hospital under medical treatment for a contagious disease, refuses or wilfully neglects, while in the hospital, to conform to the regulations thereof approved under this Act,

then, and in every such case, such woman shall, on conviction before a Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months; and in case she quits the hospital without being discharged as aforesaid, she may be taken into custody without warrant by any officer of Police.

On the expiration of her term of imprisonment under this section, such woman shall be sent back from the prison to the certified hospital, and shall be detained there unless the medical officer of the prison at the time of her discharge from imprisonment certifies in writing that she is free from contagious disease (the proof of which certificate shall lie on her).

Out-door Treatment of Prostitutes.

XVII. It shall be lawful for the Local Government to empower such surgeons or other persons as it shall from time to time appoint, to prescribe, by order to be served on any woman registered under this Act, who has not received a notice under section 14, the times and places at which she shall attend for medical treatment, and, if necessary, the medical treatment to which she shall submit.

Power to provide for out-door treatment of registered women.

Every such woman disobeying or failing to comply with any such order, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to a month, or with fine not exceeding one hundred rupees, or with both.

XVIII. If any registered woman on whom such order as last aforesaid shall have been served, conducts herself as a common prostitute before such surgeon or other person empowered as last aforesaid certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), she shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Penalty for acting as a prostitute while under medical treatment.

XIX. During the interval between the service of such order upon any registered woman and the granting of such certificate, an allowance for her subsistence shall be provided of such amount and in such manner as the Local Government shall from time to time prescribe.

Subsistence-allowance.

Segregation of Prostitutes.

XX. In any place to which the Local Government shall, by notification in the Official Gazette, have specially extended this section, it shall be lawful for such officer as the Local Government shall from time to time appoint in this behalf, to cause a notice to be served on any registered woman, requiring her, after an interval of not less than seven days to be mentioned in the notice, not to reside in any street or place therein specified.

Penalty for residing in street or place after prohibition.

Any registered woman on whom such notice shall have been served, disobeying the requisition therein contained, shall, on conviction before a Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months.

Removal from Registry.

XXI. The Local Government shall lay down rules prescribing a procedure in accordance with which any woman registered under this Act and desirous of ceasing to carry on the business of a common prostitute in the place at which she is registered, and of having her name removed from the said book, may have her name removed accordingly.

Removal of name from registry.

Miscellaneous.

XXII. No prosecution shall be instituted under this Act except at the instance of such officer as the Local Government shall from time to time appoint in this behalf.

Institution of prosecutions.

XXIII. In any proceeding under this Act, any notice, order, certificate, copy of regulations, or other document purporting to be signed by any person in the service of Government, or by any person whom the Local Government shall have, in exercise of the powers conferred on it by this Act, appointed to sign such document, shall, on production, be received in evidence, and shall be presumed to have been duly signed by the person and in the character by whom, and in which it purports to be signed, until the contrary is shown.

Presumption as to signatures.

XXIV. Every notice and order required by this Act to be served on a woman shall be served by delivery thereof either to her personally or to some person for her at her usual place of abode.

Service of notice.

XXV. Any suit against any person for anything done in pursuance of this Act, shall be commenced within three months after the thing done, and not otherwise.

Limitation of suits.

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the suit.

The plaintiff shall not recover if tender of sufficient amends is made before suit, or if a sufficient sum of money is paid into Court after suit brought, by or on behalf of the defendant.

XXVI. The Local Government shall have power from time to time to declare by what officer anything directed to be done by this Act shall be done, and by what class of officers information regarding anything made an offence by this Act shall be exclusively furnished.

Power to make rules.

The Local Government may also from time to time make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

The Local Government may also from time to time alter and add to any rules or regulations made under this Act: Provided that such alterations and additions are not inconsistent with any of the provisions hereinbefore contained.

HIGH COURT FEES.

ACT. No. XV. OF 1868.

(Received the assent of the Governor-General on the 17th April 1868.)

An Act to provide for the collection of fees, by means of stamps, in the High Courts and the Courts of Small Causes at the Presidency Towns.

1. Names the Act as above.

2. Repeals Act XX, 1862, Ss. 1, 3, 4.

3—4. Directs that High Court fees shall, from time of notification in the Gazette, be collected by stamps, (4) impressed or adhesive, as Governors may direct.

Empowers Local Government with concurrence of Chief Justice, &c., to make rules for regulating the use of stamps under this Act, &c.

6—7. Makes invalid any document unless and until it is properly stamped, and empowers Judge to permit the documents to be stamped; and (7) makes new stamp unnecessary on specified amendments of documents.

8. Saves from operation of the Act fees to the Sheriff or Attorneys to the High Court, &c.

9. Directs the differences as to the necessity or amount of stamps to be referred to the Taxing Officer of the Court, who may refer the question to the Chief Justice if he deems it of general importance.

Preamble.

WHEREAS it is expedient to amend the law relating to the collection of fees in the High Courts of Judicature and the Courts of Small Causes at Fort William in Bengal, Madras, and Bombay; It is hereby enacted as follows :—

Short title.

I. This Act may be called "The High Court Fees' Act, 1868."

Repeal of Act XX of 1862, sections 1, 3, and 4.

II. Sections 1, 3, and 4 of Act No. XX of 1862 *(to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain Sections of Act VIII of 1859 in the said High Court)* are hereby repealed.

Fees to be collected by stamps.

III. All fees for the time being chargeable in the High Courts of Judicature and the Courts of Small Causes at Fort William in Bengal, Madras, and Bombay, and their several offices, shall be collected by

stamps from such date, in the said High Court of Judicature in Fort William, as the Governor-General of India in Council shall notify in the *Gazette of India*, and from such date in the said other High Courts and in each of the said Courts of Small Causes, as the Local Government shall notify in the Local Official Gazette.

Stamps to be impressed or adhesive.

IV. All or any stamps to be used under this Act shall be impressed or adhesive as the Local Government may from time to time direct.

V. The Local Government, with the concurrence of the Chief Justice of the High Court, in the case of such Court, and with the concurrence of the First Judge of the Court of Small Causes, in the case of such Court, may, from time to time, make rules for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of such stamps, the renewal of damaged or spoilt stamps, and keeping accounts of all stamps used under this Act.

Documents not properly stamped to be invalid.

VI. No document which ought to bear a stamp under this Act shall be of any validity unless and until it is properly stamped; but if any such document is, through mistake or inadvertence, received, filed, or used in the High Court or the Court of Small Causes, without being properly stamped, a Judge of the High Court or of the Court of Small Causes (as the case may be) may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amendment of stamped instrument.

VII. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Saving of fees allowed to Sheriff, &c.

VIII. Nothing in this Act shall apply to the fees allowed to the Sheriff or Attorneys of the High Court, or to the fees which any officer of such Court shall be allowed to receive in addition to any fixed salary.

IX. If any difference arise between the officer whose duty it is to see that any stamp is affixed under this Act, and any suitor or attorney, as to the necessity of imposing a stamp or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court.

Procedure in case of difference as to necessity of imposing a stamp.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

BENGAL PRINCIPAL SUDDER AMEENS, SUDDER AMEENS, AND MOONSIFS

ACT No. XVI. OF 1868.

(Received the assent of the Governor-General on the 24th April 1868.)

An Act to consolidate and amend the law relating to Principal Sudder Ameens, Sudder Ameens, and Moonsifs in Bengal, and for other purposes.

Preliminary, 1—3.

1. Repeals Scheduled Regulations and Acts.

2. Interprets the words "Local Government," "High Court," "District Judge."

3. Limits the operation of the Act to the Lower and North-Western Provinces of Bengal.

Subordinate Judges or Moonsifs, 4—10.

4. Defines the jurisdiction of Principal Sudder Ameens, and names them first Subordinate Judges; and the jurisdiction of the Sudder Ameens, and Moonsifs.

5—8. Provides for the appointment to the office of Subordinate Judge under this Act; and (6) makes provision for acting appointments; and (7) provides a declaration to be made on taking office; and (8) consitutes these Judges Civil Courts within the meaning of the Code of Civil Procedure.

9. Provides for the appointment of Ministerial Officers of these Courts, and their suspension, &c.

10. Empowers the High Court to suspend Subordinate Judges, and District Judges to suspend Moonsifs.

Jurisdiction, 11—19.

11—12. Empowers Government to define local limits to the jurisdiction of Subordinate Judges and Moonsifs; and (12) empowers these Courts to continue pending proceeding.

13—14. Defines the jurisdiction, as respects value, of Moonsifs; and (14) provides for an appeal.

15. Defines the jurisdiction, as respects value, of Subordinate Judges.

16. Empowers the Local Government to invest Subordinate Judge with powers of Moonsif, &c.

17. Empowers District Judge to refer appeals to Subordinate Judge.

18. Gives an appeal in specified case from Subordinate Judge to District Judge and to High Court.

19. Empowers the High Court to authorise District Court to transfer proceedings to Subordinate Judge or Moonsifs, &c.

Small Cause Courts.

20. Empowers Local Government to invest Subordinate Judges with the Jurisdiction of Small Cause Courts up to specified amount.

21. Interprets the words "Principal Sudder Ameen" in Act XI of 1865, S. 51, to include Subordinate Judge.

Schedule of Regulations and Acts repealed.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Principal Sudder Ameens and Moonsifs in the territories respectively under the Governments of the Lieutenant-Governor of the Lower Provinces and of the Lieutenant-Governor of the North-Western Provinces, of the Presidency of Fort William in Bengal; and to abolish the office of Sudder Ameen, and to alter the designation of the officers now styled Principal Sudder Ameens; and whereas it is also expedient to provide for the investment of Subordinate

Judges and Moonsifs in such territories with the jurisdiction of Judges of Courts of Small Causes beyond the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature; It is hereby enacted as follows:—

PRELIMINARY.

Repeal of enactments.

I. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule.

Interpretation-clause.

II. In this Act—

"Local Government."

"Local Government" means the Lieutenant-Governor of the Lower Provinces, or the Lieutenant-Governor of the North-Western Provinces of the said Presidency, as the case may be;

"High Court."

"High Court" means the High Court of Judicature at Fort William, or the High Court of Judicature of the North-Western Provinces of the said Presidency, as the case may be; and

"District Judge."

"District Judge" means the Judge of a principal Civil Court of original jurisdiction.

Extent of Act.

III. This Act extends only to the territories for the time being respectively under the Governments of the Lieutenant-Governor of the Lower Provinces and the Lieutenant-Governor of the North-Western Provinces of the said Presidency.

SUBORDINATE JUDGES AND MOONSIFS.

First Subordinate Judges.

IV. The present Principal Sudder Ameens shall be the first Subordinate Judges, and (subject to any alteration of the limits of their local jurisdiction which may be made by the Local Government) shall severally exercise the jurisdiction of Subordinate Judges under this Act within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sudder Ameens.

The present Sudder Ameens and Moonsifs shall be the first Moonsifs, and (subject to any alteration of the limits of their local jurisdiction which may be made by the Local Government) shall severally exercise the jurisdiction of Moonsifs under this Act within the local limits, within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Moonsifs.

First Moonsifs.

V. Whenever the office of a Subordinate Judge under this Act is vacant, the Local Government may appoint to the office such person as it thinks proper.

Appointment of Subordinate Judges and Moonsifs.

Whenever the office of a Moonsif under this Act is vacant, the High Court shall nominate such person as it thinks fit to fill such office, and the Local Government shall appoint him accordingly.

It shall be lawful for the Local Government, with the sanction of the Governor-General of India in Council, to make rules as to the qualifications of persons to be nominated Moonsifs under this Act, and from time to time to alter and add to the rules so made.

When such rules shall have been made, no person, notwithstanding anything hereinbefore contained, shall be nominated to the office of Moonsif, unless he possesses the qualifications prescribed by the said rules.

Acting Appointments.

VI. Any District Judge, on the occurrence, within his jurisdiction, of any vacancy in the office of Moonsif, may, pending the orders of the High Court thereon, appoint such person he thinks fit to act in such office. And he shall forthwith report to the High Court the occurrence of every such vacancy and of every such appointment.

District Judge's power to make acting appointment to office of Moonsif.

Declaration.

VII. Every person hereafter appointed under this Act shall, on his first appointment, and previously to entering on the duties of his office, sub-

Declaration.

scribe, before the District Judge, to whose control he is subject, the following declaration :—

" I, *A. B.*, appointed Subordinate Judge [or Moonsif] of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Subordinate Judges and Moonsifs to be Civil Courts.

VIII. Every Subordinate Judge and Moonsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

Ministerial Officers.

Appointment of ministerial officers.

IX. All ministerial officers of the Courts of Subordinate Judges and Moonsifs shall be nominated and appointed by those Courts respectively, subject to the approval of the District Judge within whose jurisdiction such Courts are situate.

Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the District Judge ; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Suspension of Subordinate Judges and Moonsifs.

Suspension by High Court or District Judge.

X. The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

Whenever the High Court suspends any such Subordinate Judge, it shall forthwith report to the Local Government the circumstances of such suspension, and the Local Government may direct him to be removed from his office, or make such other order as the case may require.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend any Moonsif under his control.

Whenever the District Judge suspends any such Moonsif, he shall forthwith send to the High Court a full report of the case with the evidence, and the High Court shall make such order in the matter as it thinks fit.

The High Court may at any time by order remove from his office, or suspend, any Moonsif subject to its control.

JURISDICTION.

Local Limits of Jurisdiction.

Local limits of jurisdiction.

XI. The Local Government may define, and from time to time vary, the local limits of the jurisdictions of Subordinate Judges and Moonsifs.

Pending Proceedings.

Jurisdiction over pending proceedings.

XII. Every Court under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sudder Ameen, Sudder Ameen, or Moonsif (as the case may be) of such Court would have had if this Act had not been passed:

Provided that every Moonsif exercising jurisdiction under this Act within the local limits of a Sudder Moonsif shall have jurisdiction over all proceedings pending in the Court of the Sudder Ameen immediately before the passing of this Act.

Extent of Jurisdiction.

(a.)—Moonsifs.

Jurisdiction of Moonsifs.

XIII. Moonsifs are empowered to try all original suits cognizable by the Civil Courts of which the subject-matter does not exceed in amount or value rupees one thousand.

Appeals to District Judge from Moonsiffs.

XIV. In all such suits in which an appeal is, for the time being, allowed by law, an appeal shall lie from the decision of the Moonsif to the District Judge to whose control he is subject.

(b.)—Subordinate Judges.

Original jurisdiction of Subordinate Judges.

XV. Subordinate Judges are empowered to try all original suits cognizable by the Civil Courts of which the subject-matter exceeds in amount

or value rupees one thousand, and (if the District Judge shall have referred them under the Code of Civil Procedure) suits of which the subject-matter is of any less amount or value.

Power to invest Subordinate Judges with Moonsifs' powers.

XVI. The Local Government may invest any Subordinate Judge with the powers of a Moonsif under Section 13, and may define, and from time to time vary, the local limits within which such powers are to be exercised.

Appellate jurisdiction of Subordinate Judges.

XVII. Every District Judge may from time to time, subject to the orders of the High Court, refer to any Subordinate Judge under his control any appeals pending before him from decisions passed by Moonsifs under Section 13; and such Subordinate Judge shall hear and dispose of such appeals accordingly.

Appeals to District Judge from Subordinate Judges.

XVIII. In suits decided by any Subordinate Judge in the exercise of his original jurisdiction, of which the amount or value of the subject-matter does not exceed rupees five thousand, an appeal shall lie to the District Judge to whose control such Subordinate Judge is subject.

Appeals to High Court from Subordinate Judges.

In all other suits decided by any Subordinate Judge, whether in the exercise of his original or appellate jurisdiction, the appeal from the decision of such Judge shall be direct to the High Court.

High Court may order District Judge to transfer to a Subordinate Judge or Moonsiff certain Civil proceedings.

XIX. The High Court may from time to time by order authorize the Judge of any District Court to transfer to a Subordinate Judge or Moonsiff, subject to the control of such District Court, any Civil proceedings (not being suits), or any class of such proceedings, specified in such order, and which may be then pending, or may be thereafter instituted, in such District Court.

All proceedings so transferred shall be disposed of by the Subordinate Judge or Moonsif (as the case may be) according to the rules prescribed for the guidance of District Judges in the like cases:

Provided that an appeal from the order of the Subordinate Judge or Moonsif in such cases shall lie to the District Judge, and a special appeal from his order thereon shall lie to the High Court, if an appeal from the decision of the Judge in such proceedings is allowed by the law in force for the time being.

(c.)—Small Cause Court Powers.

XX. The Local Government may invest, within such local limits as it shall from time to time appoint, any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts, up to the amount of rupees five hundred, and any Moonsif with the same jurisdiction up to the amount of rupees fifty, and may, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Moonsif so invested.

Power to invest Subordinate Judge or Moonsif with powers of Small Cause Court Judge.

XXI Section 51 of Act No XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature)* shall be read as if, for the words "Principal Sudder Ameen," the words "Subordinate Judge" were substituted.

Power to invest Small Cause Court Judge with powers of Subordinate Judge.

SCHEDULE.

Number of Regulation or Act.	Title or Subject.	Extent of Repeal.
Bengal Regulation XXIII of 1814.	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed regarding the Office of Moonsifs or Native Commissioners, and of Sudder Ameens or Head Commissioners; for modifying and extending their respective Powers in the Trial and Decision of Civil Suits; and for authorizing them to discharge certain additional Duties under the Direction of the Zillah and City Judges.	So much as has not been repealed.

Number of Regulation or Act.	Title or Subject.	Extent of Repeal.
Bengal Regulation XVIII of 1817.	A Regulation to modify the Rules in Force which prescribe an oath of Office to be taken by certain Native Officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.	So far as relates to Principal Sudder Ameens, Sudder Ameens and Moonsifs.
Bengal Regulation V of 1831.	A Regulation for extending the Powers of Moonsifs and Sudder Ameens in the Trial of Civil Suits, and for authorizing the Appointment of Principal Sudder Ameens at the Zillah and City Stations; for modifying the Powers and Duties of the Zillah, City, and Provincial Courts in connection with those Arrangements; and for enlarging the Sphere of Selection with regard to the Offices of Moonsiff and Vakeel.	So much as has not been repealed.
Bengal Regulation VII of 1832.	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing Supplementary Rules to that Enactment.	The whole Regulation, except so much of section 8 as provides that the rule contained in section 15, Regulation IV. 1793, and the corresponding enactment contained in clause first, section 16, Regulation III. 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions that may arise between persons professing the Hindoo and Mahomedan persuasions respectively.
Act No. VIII of 1836.	Bengal judiciary system ..	The whole.
Act No. XXV of 1837.	Bengal judiciary system ...	So much as has not been been repealed.
Act No. XXXVII of 1850.	For regulating Inquiries into the Behaviour of Public Servants.	Section 24.

BOMBAY BANK COMMISSION.

ACT No. XVII OF 1868.

(Received the assent of the Governor-General on the 20th May 1868.)

An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.

Recites that the Bank of Bombay is being voluntarily wound up, and that the Secretary of State for India has directed an inquiry into the causes, &c., of its inability to pay its debts, &c.

Appointment of Commission, 1—3.

1. Authorizes Government of India to issue a commission to inquire and report, with power to add to their numbers; and gives powers to the Commissioner; and (2) provides for the appointment of a new Commissioner in case of a vacancy from specified causes; and (3) directs an inquiry to commence on 1st June, and to be continued in Bombay, &c., and to be conducted in public, &c.

Powers of Commissioners, 4—9.

4. Provides a summons for the attendance of witnesses; (5) authorizes Commissioners to administer an oath; (6) provides for the case of witnesses refusing to attend or answer, or giving false evidence, (7) for examination of witnesses beyond the Presidency of Bombay, (6) for compelling witnesses to attend; and (9) empowers the Commissioners to issue a Commission for the examination of witnesses beyond the limits of British India, &c.

Miscellaneous, 10—13.

10. Empowers the Commissioners to allow witnesses their expenses.

11. Brings proceedings under the Commission within Sections 193 and 228 of Indian Penal Code, &c.

12. Abolishes exemptions and privileges of witnesses from not answering, and protects witnesses against consequences of their answers, except in specified case.

13. Exempts Commissioners, &c., from suits for anything done in execution of this Act.

Preamble.

WHEREAS the Bank of Bombay is at present unable to pay its debts, and is now being wound up voluntarily pursuant to a special resolution to that effect passed by the shareholders in general meeting; and whereas the Secretary of State for India has directed that an enquiry should be made into the causes and circumstances of such inability and winding up; It is hereby enacted as follows:—

Appointment of Commission.

Appointment of Commissioners.

I. The Governor-General of India in Council may issue a commission to such persons as he thinks fit for the purpose of enquiring into, and reporting on, the causes and circumstances aforesaid.

The Governor-General of India in Council may from time to time add to the persons named in such commission.

The Commissioners shall fully enquire into the said matters, and shall, as soon as they conveniently can do so, report thereon to the Governor-General of India in Council.

Power to appoint new Commissioner.

II. In case any Commissioner appointed or added under this Act shall die, or resign, or desire to be discharged, or refuse, or become incapable to act, the Governor-General of India in Council may appoint a new Commissioner in his place; and all the powers and duties by this Act conferred and imposed on a Commissioner shall be exercised and performed by the Commissioner so appointed.

Commencement of enquiry.

III. The Commissioners shall enter upon the said enquiry in the town of Bombay on the first day of June 1868, or as soon after that day as they can conveniently do so, and such enquiry may be continued in the said town or at such other place within the territories under the government of the Governor of Bombay in Council as the Governor-General of India in Council shall from to time to appoint.

The said enquiry shall be conducted in public: Provided that, if a majority of the Commissioners shall from time to time think fit, any part of such enquiry may be conducted with closed doors.

Powers of Commissioners.

IV. The Commissioners may, by summons under the hands of any two of them, require the attendance before them at a time and place to be mentioned in such summons, of any person residing or being within British India whose evidence is in their judgment material to any of the matters of the enquiry aforesaid, and may require him to bring and produce before them all such books, papers, and writings as they think necessary for arriving at the truth of the said matters.

Attendance of witnesses.

Every such person shall accordingly attend before the Commissioners, and shall produce such books, papers, and writings as are required of him and are in his possession or power, according to the tenor of the summons.

V. The Commissioners may administer an oath to every person examined before them, touching the matters to be enquired into under this Act, but it shall not be necessary for them to take evidence upon oath unless they think fit so to do.

Examination of witnesses on oath.

VI. If any person upon whom any such summons is served by the delivery thereof to him or by the leaving thereof at his usual place of abode, fails, without reasonable cause (to be allowed by the Commissioners), to appear before them at the time and place mentioned in the summons;

Witnesses refusing to attend or answer or giving false evidence.

or refuses to be sworn;

or does not make answer to such questions as are put to him touching the matters directed to be enquired into by the Commissioners;

or refuses or fails, without reasonable cause (to be allowed by the Commissioners), to produce and show to the Commissioners any such paper, book, or writing, being in his possession or power, as to the Commissioners appears necessary for arriving at the truth of the matters to be enquired into by them;

or makes any statement which is false and which he either knows or believes to be false, or does not believe to be true,

the Commissioners shall have the same powers in all respects touching any such person as the principal Court of original civil jurisdiction within the limits of which he is residing may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence, or for giving false evidence in any suit depending in such Court.

Examination of witnesses beyond the Presidency of Bombay.

VII. If the Commissioners require the evidence of any person residing or being in British India beyond the limits of the Presidency of Bombay, and do not think fit to require his attendance by summons under section 4, they may, by a letter to be signed by them or any two of them, request any Judge, Magistrate, or other officer having by law power to examine witnesses upon oath, to examine such witness upon interrogatories to be sent with the letter, or according to the instructions to be sent therewith, as to the points upon which the evidence of the witness is required; and the Judge, Magistrate, or other officer to whom such letter is directed, shall examine the witness upon oath accordingly.

Power to compel attendance of such witnesses.

VIII. Every Judge, Magistrate, or other officer to whom such letter of request is sent, shall have the same powers for compelling the attendance of the witness, for examining or causing him to be examined upon oath, and for punishing him for refusing to attend or give evidence, or for making any statement which is false, and which he either knows or believes to be false, or does not believe to be true, as if the evidence of such witness were required in any matter within the ordinary jurisdiction of such Judge, Magistrate, or other officer.

Commission to examine witnesses beyond the limits of British India.

IX. The Commissioners may, whenever they think fit, issue a commission for the examination of witnesses resident beyond the limits of British India, and shall, for the purpose of issuing such commissions, be deemed to be a court authorised to issue commissions by sections 177, 178, and 179 of the Code of Civil Procedure.

Miscellaneous.

Expenses of witnesses.

X. Every witness required to attend or give evidence under the provisions of this Act shall be entitled to a reasonable sum (to be allowed by the Commissioners) for his expenses for travelling to and from and remaining at the place at which he is required to attend.

Punishment for false evidence and contempts.

XI. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act, and in the latter section the words "public servant" shall be taken to include a Commissioner under this Act.

Witness not to be excused from answering.

XII. No person shall be excused from answering any question put to him by the said Commissioners, or any of them, or by any such Judge, Magistrate, or other officer as aforesaid, upon the ground of any privilege, nor on the ground that the answer to such question will tend to criminate such person.

But no statement made by any person in answer to any such question shall, except for the purpose of punishing him for wilfully giving false evidence upon such examination, be admissible in evidence in any criminal proceeding.

And every person who, upon such examination, is compelled to give evidence which may tend to expose him to penal consequences, shall be freed from all criminal prosecutions to which he may have been or may become liable or subject within any part of British India, and for anything done by him in respect of any acts relating to which he is examined, unless the Commissioners who have, or the Judge, Magistrate, or other officer who has, examined such witness, certify in writing under their or his hands or hand that the witness is not entitled to the protection lastly hereinbefore given, on the ground that he has not made a full and true disclosure touching all matters as to which he is so examined.

Nothing in this Act shall exempt any such witness from any civil suit to which he may be liable.

Bar of suits.

XIII. No suit shall lie against the Commissioners or any of them or any other person for anything done in the execution of this Act.

NEILGHERRY HILLS—SMALL CAUSE COURT.

ACT No. XVIII OF 1868.

(Received the assent of the Governor-General on the 15th July 1868.)

An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.

Recites the expediency of investing the Commissioner, &c., with the powers of a Small Cause Court under Act II. 1865.

1—2. Empowers the Madras Government to invest the Commissioner, &c., with Small Cause Court powers; and (2) to make rules for the distribution of business, &c.

3. Opinion of Commissioner to prevail in case of difference between him and assistant sitting together.

4. Provides for hearing of cases pending at time of passing this Act.

5. Act to come into operation from time notified in Gazette.

Preamble.

WHEREAS it is expedient that the Commissioner and the Assistant Commissioner of the Neilgherry Hills appointed under the provisions of Madras Act No. I of 1868 *(for the appointment of a Commissioner for the administration of Civil and Criminal justice, and for the superintendence and collection of the revenues on the Neilgherry Hills)* should be invested with the powers of a Court of Small Causes constituted under the provisions of Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the limits of the ordinary original Civil jurisdiction of the High Courts of judicature)*; It is hereby enacted as follows:—

Power to invest Commissioner and Assistant Commissioner of Neilgherry Hills with Small Cause jurisdiction.

I. The Governor of Fort St. George in Council may, by notification in the local official Gazette, authorize the said Commissioner and Assistant Commissioner to exercise jointly or separately, within the territorial limits of the jurisdiction of the said Commissioner, the powers of a Judge of a Court of Small Causes constituted under the provisions of the said Act No. XI of 1865, but subject to the rules hereinafter referred to.

II. The said Governor in Council may frame rules providing for the distribution of business between the said Commissioner and Assistant Commissioner in their capacity of Judges of a Court of Small Causes, and generally for defining their duties and relative positions when acting in such capacity, and may also from time to time alter and add to the rules so made: Provided that such rules, alterations, and additions, are consistent with the provisions of this Act.

Power to make rules.

III. Whenever there is a difference of opinion between the said Commissioner and Assistant Commissioner sitting together as aforesaid upon any question of fact, law, or practice, or upon any usage having the force of law, the opinion of the Commissioner shall prevail.

Opinion of Commissioner to prevail in case of difference.

IV. Suits and proceedings pending before the Civil Judge at Ootacamund in his capacity of a Judge of a Court of Small Causes, when this Act comes into operation, shall be heard and determined by the said Commissioner or Assistant Commissioner in accordance with the rules to be made under section 2.

Pending suits.

V. This Act shall come into operation on such day as the said Governor in Council shall notify in the said Gazette.

Commencement of Act.

OUDH RENT LANDS.

ACT No. XIX OF 1868.

(Received the assent of the Governor-General on the 22nd July 1868.)

An Act to consolidate and amend the Law relating to Rent in Oudh.

Recites the expediency of consolidating and amending the law relating to rent in Oudh.

I.—Preliminary, 1—4.

1—4. Names the Act; (2) repeals all laws and rules in force in Oudh, inconsistent with this Act; (3) interprets specified words; (4) saves specified matters from the operation of sections 19 to 25 and 28, &c.

II.—On certain Rights and Liabilities of Landlords, Under-Proprietors, &c., 5—27.

5—6. Establishes a qualified right of occupancy in favor of specified classes of tenants; subject (6) to liability to being ejected under specified circumstances.

7—11. Entitles tenants to leases in specified forms; with (8) what stipulation for rent in case of tenants having right of occupancy; and (9) what rent in other cases; and (10) obliges tenants to execute counterparts; and (11) entitles landlords to decree for cancellation of lease on default of occupier to perform stipulations in lease, &c.

12—18. Defines what shall be deemed an arrear of rent; and (13) directs what form of receipt shall be given for it, &c.; and (14) entitles tenants, &c., to deposit rent in Court, after tender and refusal to receive it; and (15) to have a receipt for it from the Court, which shall give notice of deposit to person to whose credit it is paid; and (16) limits in such case the landlord's right to sue for rent, &c.; and (17) entitles the tenant to compensation in case the deposit became necessary by wrongful refusal of landlord, &c., to receive it; also (18) in case of wrongful proceedings for enforcement of payment, &c.

19—26. Defines the grounds on which alone suits for abatement of rent shall lie; and (20) authorizes the Court to make equitable reductions on other specified grounds; and (21) continues the liability for rent unless tenancy is terminated by notice, &c.; and (22) prevents enhancement of rent for improvements made by tenants, &c., and entitles tenants to compensation for specified improvements; which compensation (23) may be made in specified manner; and in case of differences as to amount of compensation, (25) questions, &c., to be determined by Court; but (26) tender and acceptance of new lease for 20 years to extinguish claim for compensation.

27. Entitles landlords, &c., to enter lands to survey and measure them.

III.—Commutation, &c., of Rent in Kind, 28—31.

28—31. Provides a method for commuting rents in kind into money rents when revenue settlement is in progress, and (29) in other cases; and (30) provides for settlement of disputes respecting values of crop, &c.; and (31) gives a procedure in that behalf.

IV.—Enhancement and fixing Rates of Rent, 32—36.

32—34. Prohibits enhancement of rent except by decree of Court; defines the grounds on which rent may be enhanced, and limits amount of enhancement in cases of tenants having right of occupancy; and (33)

prohibits any further enhancement for 5 years after; but (34) allows suit to be brought for enhancement in cases not within section 32.

35—36. Prohibits, in case of tenants not having right of occupancy, inquiry by Court as to propriety of rent payable; but (36) makes the agreed rent of the last year conclusive in case of dispute, unless varied by a new agreement.

V.—Of Ejectment, 37—46.

37—40. Defines the grounds on which tenant may be ejected; and (38) confines the right to eject within certain limits of time, except (39) in the case of sub-lessors being tenants; and (40) defines the time for ejecting for arrears of rent.

41—46. Makes a decree for ejectment necessary in case of tenant having right of occupancy; and (42, 43, 44) define the grounds and mode of ejecting tenant not having right of occupancy; and (45) entitles landlord to assistance of Court for ejectment; and (46) entitles tenant to be paid the value of growing crops, &c.

VI—On Distress for Arrears of Rent, 47—82.

47—71. Establishes the right to distrain; and (48) limits the right to specified cases; and (49) defines by whom the power may be exercised, (50) or by their servants; and (51) defines what crops, &c., of what land may be distrained; and (52) enjoins an account and demand; and (53) a list and description of the property distrained; (54) entitles the tenant to reap the crop, &c., notwithstanding the distress; and (55) entitles the distrainer to the assistance of a public officer in case of resistance, &c.; and (56) binds the distrainer to receive the amount distrained for with costs, if tendered, and to withdraw the distress; and (51) authorizes sale of the property after 5 days on application, in (58) specified form; and (59) directs the procedure for a sale; and (60) provides as to the case in which a suit has been brought; and (61) by whom a suit may be brought to contest the distress; and (62) provides for release from the distress on security being given; but (63) if no suit be brought, sale to proceed; in (64) what place and manner; and (65) sale may be postponed if no fair price be offered; and on sale (66) ready money to be paid; and (67) from proceeds what costs to be deducted; and (68) prohibits sale-officer from being purchaser; and (69, 70) provide against illegality and informality in making the distress, &c.; and (71) directs procedure after adjucation on suit to contest rent demanded.

72—73. Casts on distrainer duty of proving his demand in case of suit to contest; and (73) entitles party distrained to compensation if distress be vexatious or groundless.

74—77. Entitles third party claiming property distrained to bring suit to establish his right; but (75) he must give security, &c.; but (76) no claim for property in possession of tenant to be available; and (77) third party claimant to be made a party to suit if one be instituted on part of tenant.

78—80. Entitles party illegally distrained upon to bring suit for compensation in specified case; and (79) against distraining agents in specified cases; and (80) against persons distraining having no legal authority in that behalf.

81—82. Provides a procedure for forcible or clandestine removal of property distrained; and (82) for punishment of offender.

VII.—Jurisdiction of Court, 83—103.

83—85. As respects suits by (a) a landlord; (b) by an under-proprietor or tenant; (c) suits regarding the division or appraisement of produce; (d) by or against lumberdárs, co-sharer, and muáfidárs; (84) defining the grades of Courts; and (85) Chief Commissioner to declare to what grade any officer shall belong, &c.

86—87. Deputy Commissioner to exercise powers of a Collector; and (87) Chief Commissioner may invest specified officers with the power of Collectors, &c.

88—91. Defines the suits of which Assistant Collectors of the second class shall have cognizance; and (89) of which Assistant Collectors of the first class; and (90) of what class the Deputy Collector; and (91) of what class the Collector; and Collector's powers may be given to Deputy Collector when the state of business requires it.

92—93. Defines the jurisdiction of the Court of the Chief Commissioner; and (93) of the Court of the Financial Commissioner.

94—95 Regulates the time for presenting appeals and special appeals; and (95) defines the suits in which there shall be no appeal.

96—98. Defines the powers of the Deputy Commissioner over the Courts subordinate to him; and (97) empowers the Commissioner and Deputy Commissioner to withdraw suits from Courts subordinate to them; and (98) gives similar power to the Financial Commissioner.

99—102. Prescribes the rule of subordination of Courts; (100) places managing agents under the same rights of serving and being served as their principals; (101) provides that rights of action of sharers, &c., shall be exercised only through the manager, &c.; (102) relates to the recovery of land by dispossessed landlord, &c.

103. Authorizes the Courts to hold their sittings in any place within the local limits of their jurisdiction, and provides that every hearing, &c., shall be in open Court.

VIII.—On Limitation of Suits, 104—108.

104—108. Makes one year the general limitation; but (105) suits for the delivery of leases, &c., may be brought at any time during the tenancy; and (106) enlarges the time for suing for arrears of rent, &c., to 3 years; and (107) enlarges the time for suits against agents, &c.; and (108) regulates the time for suits regarding distresses, the division, &c, of land, &c.

IX.—On Procedure, 109—128.

109—116. Applies the Code of Civil Procedure to all proceedings under this Act, except as is excepted in the Notification marked D in Schedule to the Act; and (110) specifies some additional particulars for plaints; and (111) directs that third party claiming any rent, the subject of a suit, shall be made a party; and (112) that all summons shall be for the final disposal of the suit; and (113) excludes all matter of set-off in suits for rent except decrees; and (114) allows the payment into Court, subject (115) to plaintiff's right to go on for the difference if he is not satisfied.

116. Gives directions respecting suits for delivery of lease, &c., if the tenant has not a right of occupancy.

117. Directs how the local inquiry may be made under section 180 of Code of Civil Procedure.

118—119. Limits the time for process of execution to 3 years from date of decree; and (119) provides for immediate execution of money decrees.

120—125. Directs that decrees for enhancement of rent shall state time from which enhancement shall begin; and (121) allows decree for imprisonment in specified suits; and (122) directs the form of the decree in suits for delivery of lease, &c.; and (123) authorizes the Court to grant the lease, &c., after decree, on default of the party; and (124) prohibits process of execution in decrees for money being issued against immoveable property unless satisfaction cannot be obtained from the moveable property; and (125) directs proceeding in execution of decrees for rent in respect of an under-proprietary right.

126. Makes registration within specified time necessary to the validity of interest created by under-proprietor in case of a sale of the interest of such under-proprietor.

127. Gives superior landlord a lien on rent due from tenant of under-proprietor.

128. Gives co-sharers, &c., the right against auction-purchasers under decrees of taking up the purchase at any time before sunset of the day of sale, &c.

SCHEDULE.—A, Solemn declaration under Section 15; B, Notice of Court thereupon; C, Notice of distress; D, Notification of extension of Act VIII. 1859 to Oudh.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and extent of Act.

I. This Act may be cited as "The Oudh Rent Act," and shall extend only to Oudh.

Repeal of laws, &c.

II. All laws, orders having the force of law, and rules in force in Oudh, inconsistent with any of the provisions of this Act, are repealed.

Interpretation-clause.

III. In this Act, unless there be something repugnant in the subject or context—

"Oudh"

"Oudh" means the territories under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act:

"Court."

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

"Suit."

"Suit" means a suit under this Act:

"Assistant Commissioner."

"Assistant Commissioner" includes an Extra Assistant Commissioner:

"Land."

"Land" applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government; it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water:

"Revenue."

"Revenue" means the money payable to the Government on account of land:

"Rent."

"Rent" means the money or the portion of the produce of land, payable on account of the use or occupation of land, or on account of the use of water for irrigation:

"Proprietor" does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, "proprietor" means the holder of the superior right only:

"Proprietor."

"Proprietary right" means a proprietor's right in land:

"Proprietary right."

"Under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

"Under-proprietor."

"Under-proprietary right" means an under-proprietor's right in land:

"Under-proprietary right."

"Tenant" means any person not being an under-proprietor, who is liable to pay rent:

"Tenant."

"Landlord" means any person to whom an under-proprietor or tenant is liable to pay rent:

"Landlord."

"Representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot: and

"Representative."

"Lumberdár" means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement.

"Lumberdár."

IV. Nothing in sections 19, 20, 21, 22, 23, 24, 25, and 28, shall affect the terms of any agreement in writing heretofore or hereafter entered into, respecting the subject-matter of the said sections respectively.

Saving of written agreements.

Nothing in the index to this Act shall be deemed to have the force of law.

Index not to have force of law.

CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS, AND TENANTS.

Right of Occupancy.

Tenants having a right of occupancy.

V. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—

Rule.

Every such tenant, who, within thirty years next before the thirteenth day of February 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August 1866: Provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February 1856: Provided also, that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

Loss of right of occupancy.

VI. If a tenant having a right of occupancy be ejected in accordance with the provisions of section 41, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.

Tenants' Right to Leases.

Tenant's right to a lease.

VII. Every tenant is entitled to receive from his landlord a lease executed by him and containing the following particulars:—

The quantity of land; and, where the fields comprised in the lease have been numbered in a Government survey, the number of each field:

The term for which the lease is granted:

The amount of rent payable:

The instalments in which and the times at which the same is to be paid:

Any special conditions of the lease:

And, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner, and place of delivery.

Lease to which tenant having right of occupancy is entitled.

VIII. Tenants having a right of occupancy are entitled to receive leases at rates of rent determined in accordance with the provisions contained in sections 32, 33, and 34.

Lease to which tenant not having right of occupancy is entitled.

IX. Tenants not having a right of occupancy are entitled to leases only on such terms as may be agreed on between them and the landlord.

Landlords' Right to Counterparts.

Landlord entitled to counterpart.

X. Every landlord who grants a lease is entitled to receive from the tenant a counterpart executed by him.

Cancelment of Leases.

Cancelment of lease.

XI. When any landlord or any tenant not having a right of occupancy fails to perform or observe any of the stipulations contained in the lease, such lease shall be liable to be cancelled by a decree.

If, after such decree, the ejectment of the tenant is postponed in accordance with the provisions of section 38, he shall be liable, so long as he remains in occupation of the land comprised in the lease, to pay the rent reserved thereby.

Arrears of Revenue or Rent.

XII. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be :

What to be deemed an arrear of revenue or rent.

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue ; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year, as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

Receipts.

XIII. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered ; and any refusal to make such specification shall be held to be a witholding of a receipt or acknowledgment.

Receipts for rent.

If such receipt or acknowledgment is withheld from any under-proprietor or tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

Deposit of Revenue or Rent in Court without Suit.

XIV. If any co-sharer, under-proprietor, or tenant having a right of occupancy, or holding under an unexpired lease or under an agreement or decree, shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same, payment of

Power to pay into Court, without suit brought, amount of revenue or rent due.

the full amount of such revenue or rent due in respect of such land; and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor, or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Such deposit shall, so far as regards the co-sharer, under-proprietor, or tenant, and all persons claiming through or under him, operate as a payment then made to the lumberdár or landlord of the amount so deposited.

Procedure on making and withdrawing such payment.

XV. The Court shall receive such deposit on the written application of the co-sharer, under proprietor, or tenant, or his recognized agent: the application shall bear a stamp of eight annas; and on such co-sharer, under-proprietor, tenant, or agent, making a declaration in the form set forth in schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of section 24 of the said Code shall apply to the person making the verification.

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited, a notice in the form set forth in schedule B hereto annexed.

Service of notice.

Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed, or upon his recognized agent.

In the absence of any such agent, it may be served by putting up a copy of the same at the Court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or if there be no such place, at the place where the revenue or rent is usually paid to the lumberdár or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served, or his recognized agent, appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

Limitation of suits for balance of revenue or rent.

XVI. Whenever a deposit has been made under the provisions of this Act, no suit shall be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Compensation for non-acceptance of revenue or rent

XVII. If, at the time of passing the decision in any such suit, the Court is satisfied that the full amount of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lumberdár or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lumberdár or landlord, not exceeding the amount so paid or tendered.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lumberdár or landlord, and shall make a decree for the balance due by the depositor.

Illegal Enforcement of Payment of Rent.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

XVIII. If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred in addition to any amount for which it makes a decree in respect of such payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

Abatement of Rent.

XIX. No suit for an abatement of rent shall be brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease, agreement, or decree, under which he holds:

Suits for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

Remission of Rent.

XX. Notwithstanding anything contained in sections 19, 35, and 36, the Court, in making a decree for an arrear of rent, may allow such remission from the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been diminished by diluvion or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed:

When Court may allow remission from rent.

Provided that, if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years, or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate.

Relinquishment of Land.

XXI. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth day of May in any year he gives notice to the landlord or his recognized agent of his desire to relinquish such land, and relinquishes it accordingly, or unless it has been let to any other person by such landlord or agent.

Relinquishment of land by tenant.

If the landlord or his recognized agent refuse to receive such notice, the tenant may apply to the tahsíldár or proper officer, and written notice of such desire shall thereupon be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent; but if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chaupál* or other conspicuous place in the village wherein the land is situate.

Compensations for Tenants' Improvements.

XXII. If any tenant, or the person from whom he has inherited, make any such improvements on the land in his occupation as are hereinafter mentioned, the rent payable by him or his representative shall not be enhanced, nor shall he or his representative be ejected from the same land unless and until he or his representative, as the case may be, has received compensation for the outlay, in money or labor, or both, expended in making such improvements by him, or the person from whom he has inherited, or whom he represents, within thirty years next before the date of such enhancement or ejectment.

Tenants' right to compensation for improvements.

XXIII. The word "improvements," as used in section 22, means works by which the annual letting value of the land has been, and, at the time of demanding compensation, continues to be, increased, and comprises—

"Improvements" defined.

1*st.*—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles; and other works of a like nature;

2*nd.*—The renewal or re-construction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

Compensation how made.

XXIV. Such compensation may, at the option of the landlord or his representative, be made

(1.)—By payment in money ;

(2.)—By the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative ; or

(3.)—Partly by payment in money and partly by the grant of such lease as aforesaid.

Provision for difference as to amount or value of compensation.

XXV. In case of difference as to the amount or value of the compensation tendered, either party may present an application to the Court, on a paper bearing a stamp of eight annas, stating the matter in dispute, and requesting a determination thereof.

On receiving such application, the Court shall cause notice thereof to be served on the other party, and after taking such evidence as the parties or either of them may adduce, and after such further enquiry (if any) as it may deem necessary, determine (as the case may be) the amount of the payment, or the terms of the lease, or both.

In determining such amount, the Court shall take into account any assistance given by the landlord, either directly in money, material, or labor, at the time of making such improvements, or indirectly by subsequently allowing the tenant to hold at a rate of rent more favorable than the rate at which he otherwise would have held.

The proceedings on any such application shall be deemed to be a suit for the purposes of chapter 6 (as to reference to arbitration) of the Code of Civil Procedure, and of section 9 of Act No. XXIII of 1861 *(to amend Act VIII of 1859)*.

Tender of lease for twenty years to bar right to compensation for improvements.

XXVI. If in any case a landlord tenders to a tenant a lease of the land in his occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements pre-

viously made on such land by the tenant or the person from whom he has inherited.

Survey and Measurement.

Landlord's right to enter and measure lands.

XXVII. Every landlord, his agents and surveyors, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

CHAPTER III.

COMMUTATION AND PAYMENT OF RENT IN KIND.

Commutation of rents in kind.

XXVIII. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application, either of the landlord or the tenant, such rent into a rent in money.

The amount of rent thus fixed shall be binding upon the parties concerned.

All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.

Chief Commissioner may extend section 28, and declare officers to hear and decide cases thereunder.

XXIX. The Chief Commissioner of Oudh may extend the provisions of section 28 to any district or portion of a district in which a settlement of revenue is not in progress;

and may declare what officers are empowered to hear and decide cases under this section;

and may, with the previous sanction of the Governor-General of India in Council, make rules for the guidance of officers acting under this section and section 28, and from time to time, with the like sanction, alter and add to the rules so made:

Provided that such rules, alterations, and additions, are consistent with this Act.

XXX. Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate, or appraisement, either party may present an application to the Court on a paper bearing a stamp of eight annas, requesting that a proper officer be deputed to make the division, estimate, or appraisement.

Division or appraisement of produce taken for rent.

XXXI. On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate, or appraisement, shall be made.

Procedure in case of dispute.

The award of such officer in respect of such division, estimate, or appraisement, shall be final, unless within one month from the date thereof either party institutes a suit to set it aside.

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

A.—Tenants with Right of Occupancy.

XXXII. No tenant having a right of occupancy in any land shall, in case of dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent, except in pursuance of a decree made under this Act on some one of the following grounds (that is to say) :—

Enhancement of rent of tenant with right of occupancy.

1*st Ground.*—That the rate of rent paid by him is below the rate of rent usually paid by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

2nd Ground.—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate less 12½ per cent.

3rd Ground.—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

Rule.—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the Rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

Term for re-enhancement, after decision fixing rent under section 32.

XXXIII. After a decision has been passed in accordance with section 32, no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said third ground, or, in the case referred to in section 34, until, by re-assessment within the said term of five years, the revenue of such land has been increased.

Enhancement on re-assessment of revenue.

XXXIV. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages, held by tenants of the same class in the same village.

B.—Tenants not having Right of Occupancy.

Court not to enquire into propriety of rate of rent payable by tenant not having right of occupancy.

XXXV. The Court shall in no case enquire into the propriety of the rate of rent payable by a tenant not having a right of occupancy.

The rent payable by such tenant for any land in his occupation shall be such amount as may be agreed upon between him and the landlord; or, if no such agreement has been made, such amount as was payable for the land in the last preceding year.

Suits in which there is evidence in writing of agreement to alter rent.

XXXVI. If in any suit between a landlord and a tenant not having a right of occupancy, the amount of rent payable by such tenant shall be disputed, he shall not be held liable to pay rent other than that payable by him for the last preceding year, unless the Court is satisfied by evidence in writing that the parties have agreed that the rent so payable shall be altered.

CHAPTER V.

EJECTMENT.

General Provisions.

Grounds on which tenant may contest liability to ejectment.

XXXVII. A tenant may contest his liability to be ejected from the land which he holds on any of the following grounds:—

First.—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment:

Second.—That he has a right of occupancy in the land:

Third.—And if he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 43.

Time of ejectment of tenant.

XXXVIII. No tenant, except a sub-lessor, shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act; unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it.

Time of ejectment of sub-lessor.

XXXIX. A sub-lessor liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Ejectment for arrears of rent.

XL. Any tenant, other than a sub-lessor, from whom an arrear of rent remains due on the fifteenth day of May in any year after the passing of this Act, and any sub-lessor from whom an arrear of rent remains due at any time during his tenancy, may, subject to the provisions of sections 38, 39, and 41, be ejected from the land in respect of which the arrear is due.

Tenant with Right of Occupancy.

Ejectment of tenant having a right of occupancy.

XLI. No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment:

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made, unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

Tenant without Right of Occupancy.

Ejectment of tenant not having a right of occupancy.

XLII. A tenant not having a right of occupancy and not holding under an unexpired lease or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act: *first*, in execution of a decree for arrears of rent or for ejectment; or, *second*, by notice given by his landlord in the manner described in section 43.

Notice.

Notice of ejectment of tenant not having right of occupancy.

XLIII. The notice mentioned in section 42 shall be written in Hindi and in Urdu: it shall specify the land from which the tenant is to be ejected; and it shall inform him that if he means to dispute the ejectment, he must institute a suit for that purpose on or before the fifteenth day of May next after the service of the notice, or vacate the land on or before that date.

Service of Notice.

On the application of the landlord to the tahsíldár or officer authorized to serve such notices, the notice shall be served by such officer on or before the fifteenth day of April in each year, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village *chaupál* or other conspicuous place in the village wherein the land is situate.

Cessation of Tenancy.

If notice is not contested, tenancy to be held to cease.

XLIV. If the tenant on whom such notice of ejectment has been served fails to institute a suit to contest his liability to be ejected, on or before the fifteenth day of May next after the service, his tenancy of the land in respect of which the notice has been served shall be held to cease on that date, unless, after the service, the landlord has expressly authorized him to continue to occupy the land.

Assistance to eject.

When assistance to eject may be given by Court.

XLV. If no such suit be brought, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased under the provisions of section 44, he may apply for such assistance, and, if the Court is satisfied that notice of ejectment was duly served on such person, it shall give such assistance accordingly:

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation for the same.

Growing Crops.

Compensation to ejected tenant for growing crops.

XLVI. Any tenant ejected in accordance with the provisions of this Act, shall be entitled to receive from the landlord the value of any growing crops or other ungathered products

of the earth belonging to such tenant, and being on the land at the time of his ejectment :

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 42, he shall not be so entitled, unless, after such service, the landlord has expressly authorized him to continue to occupy the land.

CHAPTER VI.

DISTRESS FOR ARREARS OF RENT.

Recovery of arrears of rent by distress.

XLVII. When an arrear of rent is due from any tenant, the landlord may distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections :—

Proviso as to tenants who have given security for payment of rent.

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable, shall not be liable to distress so long as the security is in force.

No distress in certain cases.

XLVIII. Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

Power of distress by whom exerciseable.

XLIX. The power of distress, vested by section 47 in landlords, may be exercised by managers under the Court of Wards, managing agents, and tahsíldárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorized by power-of-attorney to distrain :

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

Liability of principal of agent.

L. Any person empowered to distrain property under section 47 or 49, may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Distress by servants.

LI. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a home-stead, may be distrained by persons invested with powers of distress under this Act.

Crops liable to distress.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

LII. Before or at the time when any distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

Demand of arrear before or at time of distress.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

Value of distress.

LIII. Unless the amount of the demand is immediately paid or tendered,

the distrainer may distrain property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

Service of list of property to be distrained.

LIV. Standing crops and other ungathered products of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

Reaping and storing standing crops when distrained.

If the tenant neglect to do so, the distrainer may cause the said crops or products to be reaped or gathered, and, in such case, shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case, the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

LV. If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

LVI. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

LVII. Within five days from the time of storing any distrained crops or products, or if such crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Application for sale.

LVIII. The application shall be in writing: it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due, and the place in which the distrained property is deposited.

Form of application.

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

LIX. Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in schedule C hereto annexed, or to the like effect, on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

Procedure on receipt of application.

The officer shall at the same time send to the Court, for the purpose of being put up at the Court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

LX. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the dis-

Suspension of sale on institution of suit.

trained property, shall deliver to him a certificate of the institution of the suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale :

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

LXI. Any person whose property has been distrained as aforesaid, may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

Suit to contest distrainer's demand.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings, pending the decision of the case.

LXII. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more surety or sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him with costs of suit.

Withdrawal of distress on execution of bond.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

LXIII. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as are allowed by him, be

Proceeding with sale, if, on expiration of time fixed, no suit is instituted.

discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Place and manner of sale.

LXIV. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár, or other place of public resort, if the proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale where fair price is not offered.

LXV. If on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

Payment of purchase-money.

LXVI. The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment, the property shall be put up again and re-sold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

Proceeds of sale.

LXVII. The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee, on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

Officers holding sales not to purchase.

LXVIII. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

Illegal acts of distrainer to be reported.

LXIX. The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

Recovery of expenses if no sale takes place.

LXX. When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale, and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property:

Provided that, in no case shall an amount exceeding ten rupees be recoverable under this section.

LXXI. When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

Second proclamation of sale when arrears are adjudged to be due.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with costs of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

LXXII. In all suits instituted to contest a distrainer's demand, the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

Distrainer to prove the arrear in suits to contest his demand.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such amount may be recovered by sale of the distrained property as provided in section 71, and, if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit against the person and property of such surety.

LXXIII. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

Compensation for vexatious distress.

LXXIV. If any person claims, as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Suit by third party claiming property distrained.

LXXV. When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Release on giving security.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property, or the recovery of its value, as the case may be.

Order if claim dismissed.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

Compensation for distress of stranger's property.

LXXVI. No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the landlord's prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

LXXVII. Whenever property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for such arrear is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person

Stranger claiming to be landlord and to have right of distress to be made a party.

shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be enquired into, and the suit shall be decided according to the result of such inquiry:

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of the land, to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

Suit for illegal distress.

LXXVIII. Any person whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringin a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 74, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

Suit for illegal act of distrainer.

LXXIX. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act;

or if any distrained property is lost, damaged, or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof;

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal,—

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

Suit for distress or sale falsely purporting to be under this Act.

LXXX. If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to re-

cover compensation from the person so distraining or selling, for any injury which the plaintiff has sustained from the distress or sale.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

Procedure in case of resistance to distress.

LXXXI. If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

Punishment of offender.

LXXXII. If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

CHAPTER VII.

JURISDICTION OF THE COURTS.

Suits cognizable.

Suits cognizable under this Act.

LXXXIII. The Courts of Revenue in Oudh shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts in the manner provided in this Act, and not otherwise:—

A.—Suits by a Landlord.

(1.)—For the delivery by a tenant of the counterpart of a lease under section 9;

(2.)—For arrears of rent;

(3.)—For the enhancement of the rent of a tenant having a right occupancy;

(4.)—For the ejectment of a tenant or for cancelling any lease on account of the non-payment of arrears of rent or on account of a breach of the conditions of such lease;

(5.)—Suits by landlords against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of such partwáris or agents for money received or accounts kept by such patwáris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

B.—Suits by an Under-Proprietor or a Tenant.

(6.)—For establishing a right of occupancy;

(7.)—For the delivery by a landlord of a lease;

(8.)—For contesting a notice of ejectment;

(9.)—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent due,

or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46;

(10.)—For the recovery of the occupancy of any land from which an under-proprietor or tenant has been illegally ejected by the landlord;

(11.)—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12.)—For abatement of rent in accordance with the provisions of section 19;

(13.)—For the recovery of compensation for improvements in accordance with the provisions of section 22.

C.—Suits regarding the Division or Appraisement of Produce.

(14.)—Suits under section 31, regarding the division, estimate, or appraisement of the produce of land.

D.—Suits by and against Lumberdárs, Co-sharers, and Muáfídárs.

(15.)—Suits by a sharer against a lumberdár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16.)—Suits by a lumberdár or pattídár who is entitled to collect the rents of the pattí, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lumberdár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lumberdár for compensation for revenue or rent paid by such lumberdar on account of such joint lumberdár;

(17.)—Suits by co-sharers against lumberdárs, or by proprietors or lessees against muáfídárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18.)—Suits by muáfídárs or assignees of revenue for arrears of revenue.

Grades of Courts.

Grades of Courts for the purposes of this Act.

LXXXIV. For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

(1.)—The Court of the Assistant Collector of the second class;

(2.)—The Court of the Assistant Collector of the first class;

(3.)—The Court of the Deputy Collector;

(4.)—The Court of the Collector;

(5.)—The Court of the Commissioner;

(6.)—The Court of the Financial Commissioner.

LXXXV. [Subject to any orders that may from time to time be issued by the Governor-General in Council], the Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsíldár with the powers of any of the same grades.

Chief Commissioner may declare grade of Tahsíldár or Assistant Commissioner.

LXXXVI. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Deputy Commissioner to have Collector's powers.

LXXXVII. [Subject to any orders in this behalf that may from time to time be made by the Governor-General of India in Council], the Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

Settlement Officers may be invested with powers of Collector, &c., under this Act.

LXXXVIII. The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses 1, 2, 7, 12, 15, 16, 17, and 18 of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the second class.

LXXXIX. The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the first class.

XC. The Court of the Deputy Collector shall have power to try and determine suits of every description, of which the subject-matter does not exceed five thousand rupees in value or amount.

Jurisdiction of Deputy Collector.

XCI. The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where an appeal is allowed by the Code

Jurisdiction of Collector.

of Civil Procedure as applied by this Act) from the orders of the Assistant Collectors, and, in suits under clauses 2, 5, 9, 11, 14, 15, 16, 17, and 18 of section 83, from such decisions and orders of the Deputy Collectors.

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, and may, [with the sanction of the Governor-General of India in Council,] invest any Collector with all or any of the powers of a Commissioner under this Act.

Jurisdiction of Commissioner.

XCII. The Court of the Commissioner shall have power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Collectors and Deputy Collectors, except as otherwise provided in sections 91, 95, and 102.

Jurisdiction of ~~Financial~~ Commissioner.

XCIII. The Court of the ~~Financial~~ Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioners, and also special appeals, as provided in the said Code, from the decisions passed in regular appeal by the Collectors and by the Commissioners.

Appeals.

Time for presenting appeals.

XCIV. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the ~~Financial~~ Commissioner.

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Applications for the admission of special appeals shall be presented in the Court of the Financial Commissioner within the period hereinbefore fixed for the presentation of a memorandum of appeal.

No appeal, except in certain cases, from Collector's decree for money below one hundred rupees.

XCV. In suits under clauses 2, 5, 9, 11, 14, 15, 16, 17, and 18 of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Collector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

Distribution of Business.

Deputy Commissioner may distribute business in subordinate Courts.

XCVI. The Duputy Commissioner may direct the business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

Transfer of Suits and Appeals.

Transfer of suits from subordinate Courts to Commissioner's or Collector's Court.

XCVII. The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

Withdrawal or reference of appeals.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

XCVIII. The Financial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him, shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

Financial Commissioner may transfer suits and appeals from one subordinate Court to another.

Miscellaneous.

XCIX. In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Financial Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

General subordination of Courts.

Provided that nothing in this section shall empower the Financial Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

Proviso.

C. All suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsíldárs of estates held under khám management, whether such estates are the property of Government or not.

Suits by or against managing agents or tahsíldárs of khám estates.

CI. No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants, or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

Sharer to exercise certain powers only through manager or lumberdár.

In pattídárí estates or tenures such powers shall be exercised only through a lumberdár, or through the pattídár who is entitled to collect the rents of the pattí.

CII. If any landlord, under-proprietor, or tenant, has, without his consent, been dispossessed of any land otherwise than by due course of law, such landlord, under-proprietor, or tenant, or any person claiming through him, shall be entitled to recover possession thereof, notwithstanding any other title has been set up, provided that he makes application to the Court to recover possession of the land within three months from the time of the dispossession.

Recovery of land of which applicant has been illegally dispossessed.

But nothing in this section shall bar the person from whom possession has been so recovered, or any other person, from instituting a suit to establish his title to such land and to recover possession thereof.

The application mentioned in the first clause of this section shall be heard by the Collector or Deputy Collector only, and no appeal shall lie from any order passed thereon, nor shall any review of such order be allowed.

CIII. The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Courts may sit anywhere within limits of their jurisdiction.

Provided that every hearing and decision shall be in open Court, and that the parties to the suit, or their authorized agents, shall have had due notice to attend at such place.

CHAPTER VIII.

LIMITATION OF SUITS.

CIV. Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

General limitation.

Suits for delivery of leases or counterparts.

CV. Suits for the delivery of leases or the counterparts of leases may be instituted at any time during the tenancy.

Suits for arrears of rent or revenue, or share of profits.

CVI. Suits for the recovery of arrears of rent or revenue, or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

Suits against agents for money, or delivery of accounts or papers.

CVII. Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency, or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

Suits regarding distress, division of produce, &c.

CVIII. Suits regarding distress under sections 74, 78, 79, or 80, and suits regarding the division, estimate, or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

CHAPTER IX.

PROCEDURE.

Civil Procedure Code to be the procedure under this Act.

CIX. Subject to the exceptions and provisoes under which the Code of Civil Procedure was extended to Oudh, as contained in the notification re-published in schedule D hereto annexed, the provisions of the said Code shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals, and proceedings under this Act:

Provided that the said notification shall be read as if the words "Financial Commissioner" were substituted for the words "Judicial Commissioner," and that section 244 of the said Code shall be read as if, for the word "Court," the word "Commissioner" were substituted:

Provided also, that the words "ancestral property" in the said notification shall be held to include the property in land of persons admitted to engagement for the land-revenue at the summary settlement of 1858-59.

Particulars to be added to plaint.

CX. In addition to the particulars required by section 26 of the said Code to be specified in the plaint, the plaint shall contain the following particulars :—

1st.—The name of the village or estate, and of the pargana, in which the land to which the suit relates is situate ;

2nd.—If the suit be for the recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant, or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation, and designation of the land to which the suit relates, and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field ;

3rd.—If the suit be for the recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due ;

4th.—If the suit be for the delivery of a lease or the counterpart of a lease, the plaint shall specify all the particulars mentioned in section 7.

Third person claiming rent to be made a party.

CXI. When in any suit between a landlord and an under-proprietor or tenant the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom he claims shall be enquired into, and the suit shall be decided according to the result of such inquiry :

Provided always, that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

Summons to defendant to be for final disposal.

CXII. In all suits under this Act, the summons to the defendant shall be for the final disposal of the suit.

Set-off in suits for arrears of rent.

CXIII. In a suit to recover an arrear of rent, no set-off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

Defendant may pay money into Court.

CXIV. In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of such deposit.

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

Procedure for balance where defendant pays less than amount claimed.

CXV. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Dismissal of suit for lease or counterpart, in absence of written evidence of agreement.

CXVI. If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced which shall satisfy the Court that an agreement has been entered into between the parties in ac-

cordance with which such lease or counterpart ought to be delivered.

Collector may make local enquiry.

CXVII. The local enquiry described in section 180 of the Code of Civil Procedure may also, if he think fit, be made by the Collector in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer.

In such cases the Collector or other officer as aforesaid, after completing the enquiry, shall record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

As to Decrees.

Time within which execution may be had.

CXVIII. No process of execution shall be issued on a decree under this Act after the lapse of three years from the date of such decree.

Immediate execution of decree.

CXIX. When a decree for money is made in any suit under this Act, the Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 13 of Act No. XXIII of 1861 *(to amend Act VIII of* 1859*)*.

Decree for enhancement to state date from which it is to take effect.

CXX. When a decree in favour of the plaintiff is made in a suit for an enhancement of rent, the Court shall declare the date from which such enhancement shall take effect.

Enforcement of decree for delivery of papers or accounts.

CXXI. If the decree be for the delivery of papers or accounts, it may be enforced by the imprisonment in the civil jail of the party against whom it is made, or by the attachment of his property, or by both imprisonment and attachment.

The imprisonment and attachment may be continued until he complies with the terms of the decree:

Provided that no person shall be imprisoned under this section for a longer period than six months.

Decrees for lease or counterpart to specify particulars.

CXXII. A decree for the delivery of a lease or of the counterpart of a lease shall specify all the particulars mentioned in section 7, and such other particulars as to the Court seem fit.

Court after decree may grant lease or counterpart, in case of defendant's refusal.

CXXIII. If the decree be for the delivery of a lease or the counterpart of a lease, and the party ordered to deliver such lease or counterpart neglects or refuses so to do, the Court may grant a lease or counterpart in conformity with the terms of the decree, and such lease or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Execution to be first made against moveable property

CXXIV. If the decree be for money, no process in execution shall issue against the immoveable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

Sale of under-proprietary right in execution of decree for arrears of rent.

CXXV. If the decree be for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree:

Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

Appointment of Deputy Commissioner as manager.

The Deputy Commissioner may be appointed manager under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he

might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.

Registration of incumbrance created by under-proprietor.

CXXVI. No beneficial lease or other incumbrance hereafter created on his tenure by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

Proprietor's lien for rent payable by under-proprietor.

CXXVII. When an under-proprietor creates any such incumbrance, and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

Right of pre-emption at execution-sales.

CXXVIII. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed: Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred: Provided also, that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

SCHEDULE A.*

(*See section* 15.)

I, *A. B.*, of &c., solemnly declare that I did personally [*or* by my agent *C. D.*] on the day of tender payment to *E. F.* at (the place where the { revenue / rent } of the lands at , held [*or* cultivated] by me under [*or* from *or* jointly with] the said *E. F.*, are usually payable) of the sum of rupees as and for the whole amount due from me in respect of the { revenue / rent } of the said lands from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the said sum so tendered [*or* to give me a receipt in full, forthwith, for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said *E. F.* on account of the { revenue / rent } of the said lands from the month of to the month of both inclusive, and that I owe the said *E. F.* no further sum on account of the { revenue / rent } of the said lands.

I the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

SCHEDULE B.†

(*See section* 15.)

Court of the of dated the day of 18 .

To *E. F.*, of &c.

With reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned, is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

* If this declaration is made by an agent, it must be altered accordingly.

† This is to be by endorsement on a copy of the declaration under schedule A made by the person paying the money into Court.

SCHEDULE C.

(*See section* 59.)

Office of *officer appointed to sell distrained property.*
A. B.—Distrainer.

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said *A. B.*, or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this *day of* 186 .

SCHEDULE D.

(*See section* 109.)

Under the provisions of section 385 of Act No. VIII of 1859, and section 3 of Act No. IV of 1860, His Excellency the Governor-General in Council is pleased to notify that, from first January 1862, Act VIII of 1859 is extended to the Province of Oudh, subject to the following exceptions and provisoes :—

1. Section 3 shall be subject to the following proviso :—

Provided that the Judicial Commissioner or any other Court exercising any appellate jurisdiction within the Province of Oudh, may, at any time within one year from the time of the passing or execution of any judgment or order by any Court subordinate to the said Appellate Court, call for such judgment or proceedings without any regular appeal or application for review having been preferred against the same, and may, if he or it shall see sufficient grounds, revise and alter, or reverse or confirm the same. But that in such case, before revising, altering, or reversing any one judgment or order, the said Judicial Commissioner, or it, shall cause the same notice to be given to the party in whose favour the said judgment or order was pronounced, and the same opportunity to such party to be heard in support thereof, and the same proceedings to be taken as if a memorandum of appeal had been filed by the party aggrieved thereby.

2. Section 17 is excepted, and the term recognized agent is defined as follows, *viz.*, a permanent servant, partner, relation, or friend, whom the Court may admit as a fit person to represent a party, and especially persons holding powers-of-attorney from absent parties, persons carrying on business on behalf of bankers and traders, managing agents of landholders, nearest male relations of women, and persons *ex officio* authorized to act for Government, or for any Prince or Chief.

3. Section 3 shall be subject to the following limitation:—It shall not be obligatory on the Court to decide *ex parte* in the absence of defendant, but the Court may proceed to compel his attendance under the following rule, being the rule now in force in Oudh:—

Rule.—If the defendant does not appear, it shall be at the discretion of the Court to issue a warrant to arrest him and detain him till another day appointed for the hearing of the case, and to attach his property.

4. Section 172.—So much of this section as requires that the whole of the evidence shall be taken down in writing in the language in ordinary use is excepted, and the record made by the hand of the Judge, under the following rule, being the rule now in force in Oudh, shall be taken as a record of the evidence:—

Rule.—An intelligible note of the essential points of the evidence of each witness is to be taken at the time and in the course of oral examination by the officer who tries the case, in his own language. The notes must be legible, complete, and properly arranged; must attest the presence of the witness at the time; and mark every postponement and change of time and scene, so that their *bonâ fide* character may be apparent. Every essential point must be noted, but mere surplusage may be omitted. These notes shall be filed, and shall form part of the record of the case: Provided that in cases tried by a European officer, who has not passed the examination in the Native languages prescribed for Assistant Commissioners exercising special powers, the evidence of witnesses shall also be recorded at length in their own language.

Section 205.—So much of this section as renders land liable to sale in execution of a decree will be subject to the restrictions on the sale of land prescribed by the following rule, being the local rule now in force in Oudh:—

Rule.—No ancestral property in land shall be sold in satisfaction of a decree, without the sanction of the Judicial Commissioner; and before acquired property in land shall be so sold, the permission of the Divisional Commissioner shall be obtained.

LUCKNOW TOWN DUTIES.

ACT No. XX OF 1868.

(Received the assent of the Governor-General on the 13th August 1868.)

An Act to give validity to the levy of certain Duties in Lucknow.

1—2. Gives validity, retrospectively, from the 9th May 1865 to the 27th July 1868, to specified rules; and (2) indemnifies Officers, &c., for acts done under the rules between those dates.

Preamble.

WHEREAS under the authority given by Act No. XVIII of 1864 *(to provide for the appointment of a Municipal Committee in the City of Lucknow)*, section 13, the Chief Commissioner of Oudh declared that duties on certain things and at certain rates should, "for the year 1865-66," be levied in respect of such things when brought into Lucknow for consumption or use therein, and such declaration was, on the ninth day of May 1865, sanctioned by the Governor-General of India in Council. And whereas doubts have arisen as to whether such declaration and sanction remained in force down to the twenty-seventh day of July 1868, and it is expedient to remove such doubts, and to indemnify the officers and farmers who have acted under the said declaration and sanction and the said Chief Commissioner's rules from time to time in force as to the mode of levying and collecting the said duties; It is hereby enacted as follows:—

Validation of declaration, sanction and rules from 9th May 1865 till 27th July 1868.

I. The said declaration and sanction shall be deemed to have been in force from the ninth day of May 1865 to the twenty-seventh day of July 1868, and the said rules from time to time in force shall be deemed to have been valid under the said section.

Indemnification of officers.

II. Every officer and farmer is hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or farmer in respect of anything so done.

NAWAB OF THE CARNATIC.

ACT No. XXI OF 1868.

(Received the assent of the Governor-General on the 10th September 1868.)

An Act to appoint a Receiver of the property of the late Nawáb of the Carnatic.

Recites the expediency of appointing a Receiver to collect and administer property recently discovered to belong to the Nawáb.

1—7. Authorizes the Madras Government to appoint a Receiver to act under the orders of the High Court, Madras; with (2) such remuneration (not exceeding 5 per cent.) as Government shall prescribe; and (3) subject to suspension, &c.; (4) the Receiver to represent the Nawáb; and (5) to collect, &c., the property; and (6) on sale thereof under order, to execute conveyance to purchaser; and (7) in administration suit to be subject to jurisdiction of High Court.

8—Act to come into operation retrospectively from 2nd April 1868.

Preamble.

WHEREAS certain property belonging to the estate of the late Nawáb of the Carnatic has lately been discovered both in the District of Madras and in the territories of His Highness the Nazám, and it is expedient to appoint a Receiver to collect and administer such property and any other property belonging to the said estate, which may hereafter be discovered, or has not hitherto been administered; It is hereby enacted as follows:—

Appointment of Receiver of Carnatic property.

I. The Governor of Fort St. George in Council shall appoint such person as he may think fit to act under the orders of the High Court of Judicature at Madras in the administration of the property left by the late Nawáb of the Carnatic, and not hitherto collected or administered.

The person so appointed shall have power to collect and take possession of all such property: he shall deal with the same according to the provisions herein contained: he shall give such security (if any) for the due execution of his office as the said Governor in Council may require; and he shall be called "the Receiver of the Carnatic property."

Remuneration of Receiver.

II. The Receiver of the Carnatic property shall be entitled to such commission, not exceeding five per centum upon the amount or value of the property collected and distributed under the provisions of this Act, as the said Governor in Council shall prescribe. Such commission shall be charged to the estate of the said Nawáb.

Suspension or removal of Receiver.

III. The said Governor in Council may suspend or remove any person appointed such Receiver as aforesaid, and may also from time to time

fill up any vacancy in such office occasioned by death, resignation, suspension, or removal.

Receiver to represent Nawáb's estate in all proceedings.

IV. The Receiver shall represent the estate of the said Nawáb in all proceedings relating thereto: he shall do all acts in performance of his duties by his name of office; and in all legal proceedings he shall be designated by such name.

No proceedings to which the Receiver may be a party shall abate by reason of the death, resignation, suspension, or removal from office of any such Receiver, but the same shall be continued by his successor as if no such death, resignation, suspension, or removal had occurred.

Receiver to collect Nawáb's property.

V. The Receiver shall have power to collect and take possession of all property, moveable or immoveable, and whether of the nature of State or public property or not, to which the said Nawáb at the time of his death was entitled, and if necessary to sue for and recover the same property, and to realize its value by sale or otherwise.

Conveyance on sale by Receiver of immoveable property.

VI. Whenever the said Receiver, by the order or with the sanction of the High Court, sells any of the said immoveable property, he shall execute a conveyance thereof to the purchaser.

Every such conveyance shall be valid as against the heirs of the said Nawáb, and all persons claiming under them, and also against all persons claiming under the said Nawáb by virtue of any conveyance or instrument declared by the said Court or by the late Supreme Court of Judicature at Madras, to be void as against the creditors of the said Nawáb, or by virtue of any security the benefit of which was barred under the provisions of Act No. XXX of 1858 *(to provide for the administration of the estate and for the payment of the debts of the late Nawáb of the Carnatic)*.

In case of suit for administration, Receiver to be subject to orders of High Court.

VII. Upon any suit being instituted for the administration of the said estate, the said Receiver shall be deemed subject to the orders of the said High Court, and, so far as such orders shall not

extend, to the general practice of such Court in the same manner as any other Receiver specially appointed thereby, except that the Court shall not require him to give security.

Commencement of Act.

VIII. This Act shall be deemed to have come into operation on the second day of April 1868, and any person holding the office of Receiver of the Carnatic property immediately before that day shall be deemed to have been appointed on that day under this Act.

MAUZA KHERIA, N.-W. PROVINCES.

ACT. No. XXII OF 1868.

(Received the assent of the Governor-General on the 10th September 1868.)

An Act to bring the Mauza Kheria, in the District of Agra, under the operation of the general Regulations.

1—2. Extends to this Mauza the operation of the general Regulations; from (2) 26th July 1866.

It is hereby enacted as follows:—

Extension to Mauza Kheria of Acts and Regulations in force in District of Agra.

I. The Mauza Kheria shall be deemed to be annexed to the District of Agra, and the laws and regulations established for the internal administration of the said District shall have full force and effect in the said Mauza; and the administration of civil and criminal justice, and the superintendence of the settlement and realization of the public revenue, and of all matters relating to rent in the said Mauza, are hereby vested in the officers for the time being appointed by the Lieutenant-Governor of the North-Western Provinces for the said District of Agra.

Commencement of Act.

II. This Act shall be deemed to have come into operation on the twenty-sixth day of July 1866.

ABKARI RULES IN BRITISH BURMAH.

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ACT No. XXIII OF 1868.

(Received the assent of the Governor-General on the 24th September 1868.)

An Act to give validity to certain Abkárí Rules in British Burmah.

Recites expediency of giving to the Abkárí Rules of British Burmah the force of law, and of indemnifying all who have acted under them.

1—3. Validates retrospectively and prospectively the Abkárí Rules published in *British Burmah Gazette* of 29th February 1868; and (2) all other Rules promulgated by Chief Commissioner on or before 31st March 1868; and (3) indemnifies officers and farmers.

Preamble.

WHEREAS Rules for the sale in British Burmah of wine, beer, spirituous and fermented liquors, and intoxicating drugs, have, from time to time, been made and published under the authority of the Chief Commissioner of British Burmah, and it is expedient to give such Rules as last published under the authority aforesaid, the force of law, and to indemnify all officers, farmers, and other persons who have acted under them, or under any such Rules previously published or enforced under the same authority; It is hereby enacted as follows:—

Validation of Abkárí Rules published in *British Burmah Gazette* of 29th February 1868.

I. The Rules for the sale of wine, beer, spirituous and fermented liquors, and intoxicating drugs in British Burmah, published in the number of the *British Burmah Gazette*, dated the twenty-ninth day of February 1868, shall, from the thirty-first day of March 1868 down to the passing of this Act, be deemed to have had the force of law, and shall continue in force until the Governor-General of India in Council, by notification in the *Gazette of India*, shall otherwise order.

Validation of previous Rules.

II. All other such Rules from time to time published or enforced by or by order of the Chief Commissioner of British Burmah, on or before the said thirty-first day of March 1868, shall be deemed to have had the force of law.

Indemnification of officers and farmers.

III. All officers, farmers, and other persons, are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer, farmer, or other person in respect of anything so done.

INOCULATION IN KUMAON AND GARHWAL.

ACT No. XXIV OF 1868.

(Received the assent of the Governor-General on the 1st October 1868.)

An Act to prohibit the practice of inoculation in Kumaon and Garhwál.

Recites expediency of prohibiting inoculation.

1—3. Provides penalty for inoculating; and (2) for entering any place to which this Act extends, within forty days after inoculation elsewhere; and (3) authorizes convicting Magistrate to award half the fine to informer.

4. Limits operation of Act.

Preamble.

WHEREAS it is expedient to prohibit the practice of inoculation with the small-pox in the Districts of Kumaon and Garhwál; It is hereby enacted as follows:—

Penalty for inoculating.

I. Whoever produces or attempts to produce in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding three months, or to fine not exceeding two hundred Rupees, or to both.

Penalty on inoculated person entering place to which Act extends.

II. If any person having been inoculated with the small-pox in a place to which this Act does not extend, shall afterwards enter any place to which this Act extends, before the date of forty days from the date of such inoculation, or without a certificate from a qualified Medical Officer, that such person is no longer

likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

Reward to informer.

III. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half of such fine to the person on whose information the offender has been convicted.

Extent of Act.

IV. This Act extends only to the Districts of Kumaon and Garhwál.

COORG COURTS' ACT.

ACT No. XXV OF 1868.

(Received the assent of the Governor-General on the 8th October 1868.)

An Act to define the jurisdiction of the Courts in Coorg.

Recites expediency of defining jurisdiction of Civil and Criminal Courts in Coorg.

1. Names Act, and postpones operation of Act, save 1st and 25 sections, till 1st December 1868.

2. Defines grades of Courts.

3—11. Authorizes Commissioner to declare to what grades specified officers shall belong, and (4) to invest others with certain judicial powers; and (5) defines powers of second class Súbahdár, (6) of first class Súbahdár, (7) of second class Assistant Superintendent, (8) of first class Assistant Superintendent, (9) of Superintendent, and (10) of Judicial Commissioner; and lays down rules for special appeals; and (11) fixes time for presenting appeals.

12—13. Confers upon Judicial Commissioner extraordinary original jurisdiction; and (13) gives him the general superintendence over all the Courts in Coorg, and power to make rules and prescribe forms for use therein, subject to sanction of Commissioner.

14—20. Gives Governor-General power to confer powers of Superintendent or of Assistant Superintendent on any one; (15) directs that suits are to be instituted in the lowest competent Court; (16) provides for appeals;

and (17) authorizes Superintendent to distribute business, and (18) to define jurisdiction of Appellate Courts, and (19) to withdraw or transfer suits; and (20) gives Judicial Commissioner the like power.

21—25. Makes Superintendent, in criminal matters, the Chief Executive Officer of a district; (22) authorizes the Governor-General to appoint a Session Judge; (23) provides for appeals from Superintendent to Judicial Commissioner; and (24) confirms sentences passed by Superintendent of Ashtagram; and (25) extends Criminal Procedure Code to Coorg from 9th December 1862.

Preamble.

WHEREAS it is expedient to define the jurisdiction of the Civil and Criminal Courts in the Province of Coorg; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Coorg Courts' Act."

Commencement of Act.

This section and section 25 shall take effect at once, and the rest of this Act shall come into operation on the first day of December 1868.

Grades of Courts in Coorg.

II. There shall be six grades of Civil Courts in the Province of Coorg, which shall be in addition to any Courts of Small Causes and to any other Courts established under any Act hereafter passed by the Governor-General of India in Council (that is to say),—

(1.)—The Court of the Súbahdár of the second class:

(2.)—The Court of the Súbahdár of the first class:

(3.)—The Court of the Assistant Superintendent of the second class:

(4.)—The Court of the Assistant Superintendent of the first class:

(5.)—The Court of the Superintendent; and

(6.)—The Court of the Judicial Commissioner.

The Criminal Courts in the said Province shall be those referred to in the Code of Criminal Procedure.

Civil Jurisdiction.

Power to declare grades of Súbahdárs and Assistant Superintendents.

III. Subject to any orders that may from time to time be issued by the Governor-General of India in Council, the Commissioner of Coorg shall have power to declare to which of the said grades any Súbahdár and any Assistant Superintendent shall belong.

Power to invest Párbatiyagárs and Náib Súbahdárs with jurisdiction up to rupees fifty.

IV. The Commissioner may invest any Párbatiyagár and any Náib Súbahdár with power to try and determine suits for money due whether on bond or other contract or for rent, or for moveable property, or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of rupees fifty, and to prescribe the local limits within which the Párbatiyagár or Náib Súbahdár so invested shall exercise such power.

Jurisdiction of Súbahdár of second class.

V. The Court of the Súbahdár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees one hundred in value or amount.

Jurisdiction of Súbahdár of first class.

VI. The Court of the Súbahdár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three hundred in value or amount.

Jurisdiction of Assistant Superintendent of second class.

VII. The Court of the Assistant Superintendent of the second class shall have power to try and determine suits of every discription in which the subject-matter does not exceed rupees one thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

VIII. The Court of the Assistant Superintendent of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure for the time being in force in Coorg) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Assistant Superintendent of first class.

IX. The Court of the Superintendent shall have power to try and determine suits of every description and of any amount, and to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Courts of Súbahdárs and Assistant Superintendents of both classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Superintendent.

X. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the original decisions of the Superintendent in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Superintendent, and also special appeals from the decisions passed by the Superintendent or by an Assistant Superintendent of either grade on regular appeal:

Jurisdiction of Judicial Commissioner.

Provided that such special appeals shall lie on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in law in the procedure or investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and on no other grounds:

Provided also, that no special appeal shall lie from any decision or order passed on regular appeal after the passing of this Act, in any suit of the nature cognizable in a Court of Small

Causes under Act No. XI of 1865, section 6, when the debt, damage, or demand for which the original suit is instituted, does not exceed three hundred rupees; but every such order or decision shall be final.

Time for presenting appeals.

XI. The memorandum of appeal, prepared in the form, and containing the particulars mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear an appeal within the period hereinafter specified, unless the appellant shows sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the Assistant Superintendents or Superintendent, and ninety days if the appeal lie to the Judicial Commissioner.

The said period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Special appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for appeals.

Extraordinary original jurisdiction of Judicial Commissioner.

XII. The Court of the Judicial Commissioner shall have power to remove and to try and determine, as a Court of extraordinary original jurisdiction, any suit within the jurisdiction of any Court in the said Province, when he thinks proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of his Court.

Judicial Commissioner to superintend and to frame rules of practice for subordinate Courts.

XIII. The Judicial Commissioner shall have superintendence over all Courts in the said Province, and shall have power to call for returns, and to make and issue general rules for regulating the practice and proceedings of such Courts, and also to prescribe forms for every proceeding in the said Courts for which he thinks necessary that a form be provided, and also for keeping all books,

entries, and accounts to be kept by the officers, and also settle tables of fees to be allowed to the attorneys, vakíls, and all clerks and officers of such Courts, and from time to time to alter any such rule, form, or table.

The rules, forms, and tables so made, framed, and settled, shall be used and observed in the said Courts: Provided that such rules, forms, and tables be not inconsistent with the provisions of any law in force for the time being, and shall, before they are issued, have received the sanction of the Commissioner.

Governor-General in Council may confer powers of Superintendent or Assistant Superintendent.

XIV. Whenever the state of the public business requires it, the Governor-General of India in Council may invest any person with the powers of a Superintendent or Assistant Superintendent in any part of the Province of Coorg.

Court in which suit shall be instituted.

XV. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes, which may hereafter be established, shall be heard and determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Appeal to lie from all decisions, except when expressly prohibited.

XVI. Except when otherwise provided in any law for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Distribution of business among subordinate Courts.

XVII. The Superintendent may direct the business in the Courts subordinate to him, whether or not they have their sittings in the same place, to be distributed among such Courts in such way as he thinks fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Local limits within which Appellate Courts shall exercise appellate jurisdiction.

XVIII. The Superintendent shall, from time to time, with the concurrence and approval of the Commissioner, prescribe to each of the Appellate Courts subordinate to him such local limits

within which they shall respectively exercise their appellate jurisdiction.

Transfer of suits from subordinate Court to that of the Superintendent or Assistant.

XIX. The Superintendent may, on the petition of either party, or in the absence of such petition, withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such subordinate Court, and competent in respect of the value or amount of the suit to try the same.

The Superintendent may also withdraw any appeal instituted in the Court of any Assistant Superintendent subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Assistant Superintendent in his province.

Transfer of suits from one subordinate Court to another.

XX. The Judicial Commissioner may order that the cognizance of any suit or appeal instituted in any Court subordinate to his Court, not being a Court of Small Causes, shall be transferred to his own Court or to any other such subordinate Court competent, in respect of the value or amount of the subject-matter of the suit or appeal, to try the same.

Criminal Jurisdiction.

Superintendent to be chief officer charged with executive administration of district in criminal matters.

XXI. For purposes of criminal jurisdiction, the Superintendent of Coorg shall be taken to be the chief officer charged with the executive administration of a district in criminal matters.

Power to appoint Session Judge of Coorg.

XXII. The Governor-General of India in Council may from time to time appoint any subject of Her Majesty to be Session Judge of Coorg, and may also from time to time suspend or remove any person so appointed.

The Session Judge shall, as often as may be necessary for the trial of offenders, hold sessions in the said Province: Provided that he and the Judicial Commissioner respectively may hear and determine appeals beyond the limits of the same Province.

XXIII. Appeals from sentences and orders passed by the Superintendent or by any officer subordinate to him, exercising full powers of a Magistrate, from which an appeal is allowed under the Code of Criminal Procedure, shall lie to the Judicial Commissioner, and shall be heard and determined by him :

Appeals from sentences of Superintendent and other officers vested with full powers.

Provided that nothing herein contained shall be deemed to prevent the Judicial Commissioner from exercising under the said Code all or any of the powers of the High Court vested in him.

XXIV. All sentences and orders heretofore passed by the Superintendent of Ashtagram in his capacity of Session Judge of Coorg shall be deemed to be as valid as if this Act had then been passed, and he had been appointed, under section 22, Session Judge of Coorg.

Confirmation of sentences passed by Superintendent of Ashtagram.

1870 XXV. The Code of Criminal Procedure shall extend to the said Province, and shall be deemed to have been in force therein from the ninth day of December 1862.

Extension of Code of Criminal Procedure.

LOCK-HOSPITALS.

ACT No. XXVI OF 1868.

(Received the assent of the Governor-General on the 15th October 1868.)

An Act to enable Municipalities to provide for Lock-Hospitals.

Recites expediency of enabling all Municipalities in British India maintain Lock-Hospitals.

1. Empowers every Municipal body in British India, with the sanction of the Local Government, to pay out of Municipal Funds, towards the maintenance of such Hospital, and towards the support and treatment of the prostitutes, such part of the total cost as may be agreed upon with the Local Government.

WHEREAS it is expedient to enable all Municipalities in British India to provide out of the Municipal Funds for the maintenance of Lock-Hospitals,

Preamble.

and generally for the prevention of contagious venereal disease; It is hereby enacted as follows:—

Power to Municipal Committees to devote funds to maintaining Lock-Hospitals, &c.

I. Notwithstanding anything contained in any Act of the Governor-General of India in Council, of the Governor of Madras in Council, of the Governor of Bombay in Council, of the Lieutenant-Governor of Bengal in Council, or in any other law for the time being in force,

it shall be lawful for every Municipal Corporation, Municipal Committee, or other body of persons duly appointed to conduct the affairs of a municipality in British India, to pay, with the previous sanction of the Local Government, out of the funds at their disposal

towards the maintenance of the hospital provided under section 12 of Act No. XIV of 1868 *(for the prevention of certain contagious diseases)* within the limits of the place for which they are so appointed,

and towards defraying the cost of the medical treatment, lodging, clothing, and food of the women detained in such hospital, and of the allowance provided under section 19 of the same Act for the subsistence of prostitutes residing within the limits aforesaid,

such part as may from time to time be agreed on by and between the Corporation, Committee, or Body, and the Local Government, of the total cost of the said maintenance, treatment, lodging, clothing, food, and allowance as annually estimated by such Government.

REGISTRATION OF DOCUMENTS.

ACT No. XXVII OF 1868.

(Received the assent of the Governor-General on the 21st October 1868.)

An Act to exempt certain instruments from the Indian Registration Act, 1866.

Recites expediency of exempting from compulsory registration certain documents.

1—3. Exempts from registration documents mentioned in schedule; (2) provides for inspection, by the public, of documents mentioned in 1st, 2nd, and 3rd clauses of schedule; and (3) requires a copy of every document mentioned in 4th clause of schedule to be sent to Registrar of district where property lies.

4. Makes this Act part of Act XX of 1866.

Schedule.

Preamble.

WHEREAS it is expedient to exempt expressly from compulsory registration under the Indian Registration Act, 1866, certain documents heretofore or hereafter executed by or in favour of Government; It is hereby enacted as follows:—

Scheduled documents exempted from Act XX of 1866.

I. Nothing contained in the said Act shall be deemed to require, or to have at any time required, the registration of any of the documents or maps comprised in the schedule hereto annexed.

But all such documents and maps shall, for the purposes of sections 48 and 49 of the same Act, be deemed to have been and to be registered in accordance with its provisions.

Inspection and copies of scheduled documents.

II. Subject to such rules and the previous payment of such fees as the Local Government may from time to time prescribe in this behalf, all documents and maps specified in the 1st, 2nd, and 3rd clauses of the said schedule shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Copies of sanads to be filed by Registrar.

III. A copy of every document mentioned in the 4th clause of the said schedule, and executed on or after the first day of May 1866, shall, in the case of every such document heretofore executed, as soon as may be after the passing of this Act, and in the case of every such document hereafter executed, as soon as may be after its execution, be sent by the Local Government to the Registrar or to every Registrar within whose district the whole or any part of the immoveable property comprised in such document is situate, and shall be filed by him in his Book 1.

This Act to be read with Act XX of 1866.

IV. This Act shall be read with, and taken as part of, Act No. XX of 1866.

SCHEDULE.

(1.) Documents issued, or received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement.

(2.) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land other than waste land, and which form part of the record of such survey.

(3.) Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

(4.) Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land, in reward for special services.

PANJAB TENANCY ACT.

ACT No. XXVIII OF 1868.

(Received the assent of the Governor-General on the 21st October 1868.)

An Act to define and amend the law relating to the tenancy of land in the Panjab.

Recites expediency of amending the law of tenancy in the Panjab.

CHAPTER I.

Preliminary, 1—4.

1—4. Names the Act; (2) saves operation of decrees and of agreements between landlords and tenants; (3) interprets the words "Land," "Rent," "Arrear of Rent," "Tenant," "Landlord," "Grand-father," "Uncle," "Grand-uncle," and "Representative;" and (4) repeals the Book Circular No. 33 of 1860.

CHAPTER II.

Of Rights of Occupancy, 5—9.

5—9. Enacts what tenants shall have rights of occupancy; (6) presumes continuance of right of occupancy in every tenant whose name is entered in settlement record as having such right, unless such presumption is rebutted in way directed; (7) land taken from landlord in exchange to be subject to same right of occupancy; (8) saves right to sue for establishment of right; and (9) enacts that mere lapse of time shall not give right of occupancy.

CHAPTER III.

Of Rent, 10—18.

10—13. Saves tenant from liability for enhanced rent unless under a decree made as provided; (11) gives the grounds on which, and rules according to which rent may be enhanced; (12) provides for case where tenant pays revenue or cesses; and (13) prohibits a re-enhancement till five years after last enhancement.

14. Gives tenant right to claim abatement, and on what grounds.

15. Authorizes Court in certain cases to remit portion of rent.

16. Rent not to be commuted from money into kind, or *vice versâ* without consent of both landlord and tenant.

17. Provides for division and appraisement of rent taken in kind; and (18) lays down procedure in cases of dispute.

CHAPTER IV.

Of Ejectment, 19—27.

19—21. Tenant having right of occupancy to be ejected only under decree obtained as provided; and (20) tenant not having such right either by decree or by notice to be given as provided in that behalf; and (21) no tenant save in excepted case to be ejected except between 15th April and 15th June.

22—25. Prescribes the language, form, and particulars of the notice of ejectment; and (23) the manner of serving it; (24) authorizes the Lieutenant-Governor to alter the dates for serving notice and for instituting suit to dispute right to eject; and (25) enacts that tenancy shall cease in case of failure to institute suit according to terms of notice.

26. Gives landlord assistance of Court to eject.

27. Entitles tenant to compensation for growing crops.

CHAPTER V.

Of Relinquishment, Leases and Under-Leases, Alienation and Succession, 28—36.

28—31. Tenant may relinquish land by giving notice to landlord before commencement of agricultural year, which (29) shall be fixed by Lieutenant-Governor; and (30) if tenant relinquishes land in accordance with notice, he shall be discharged; and (31) provides for service of such notice in case landlord refuses to receive it.

32—33. Gives every tenant having a right of occupancy the right to under-let, unless specially covenanted against; and (33) imposes upon sub-lessee the liabilities of his lessor.

34—35. Authorizes tenant having right of occupancy to alienate saving landlord's right of pre-emption (35) such alienee to have the same rights and to be subject to same liabilities as alienor.

36. Prescribes the order of descent of the right of occupancy.

CHAPTER VI.

Of Compensation for Tenants' Improvements, 37—41.

37—40. Gives tenant a right to compensation for improvements on the land occupied; (38) defines the word "improvements;" (39) directs how the compensation is to be made; and (40) provides for a reference to the Court, in cases of dispute, as to value of compensation due.

41. Gives to the acceptance of a tender of a lease for twenty years the effect of a bar to any claim for compensation.

CHAPTER VII.

Of Procedure, 42—45.

42. Cases arising under this Act by what Courts cognizable.
43. What plaints to be stamped, and how.
44. Panjab rent procedure to remain in force.
45. Confirms all proceedings of Settlement Officers prior to this Act.

Preamble.

WHEREAS it is expedient to define and amend the law relating to certain matters connected with the tenancy of land in the Panjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Extent of Act.

I. This Act may be called "The Panjab Tenancy Act, 1868," and shall extend only to the territories for the time being under the government of the Lieutenant-Governor of the Panjab.

Saving of decrees and of agreements between landlords and tenants.

II. Nothing contained in this Act shall affect the operation of any decree of Court under which a tenant holds, or of any agreement between a landlord and a tenant, when such agreement is in writing or recorded by the proper officer in the record of a regular settlement sanctioned by the Local Government.

All entries in such record in respect of matters comprised in chapters III, IV, V, and VI of this Act shall, when attested by the proper officer, be deemed to be agreements within the meaning of this section.

Interpretation-clause.

III. In this Act, unless there be something repugnant in the subject or context—

"Land."

"Land" means immoveable property for the time being subject to a settlement, whether regular or summary, of land-revenue;

"Rent."

"Rent" means whatever is payable by an occupant of land on account of the use or occupation thereof;

"Arrear of rent."

Any instalment of rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of rent;

"Tenant."

"Tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor;

"Landlord."

"Landlord" means any person entitled to receive rent payable by a tenant.

"Grand father," "uncle," and "grand-uncle."

"Grand-father" includes the father of an adoptive father, "uncle" the brother of

an adoptive father, and "grand-uncle" the adoptive father of an uncle;

"Representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person.

"Representative."

Repeal of Book Circular No. 33 of 1860.

IV. The Book Circular of the Financial Commissioner of the Panjab, No. 33 of 1860, is hereby repealed.

CHAPTER II.

OF RIGHTS OF OCCUPANCY.

Tenants having right of occupancy.

V. Every tenant who—

(1.) has heretofore paid no rent and rendered no service, in respect of the land occupied by him, to the proprietor thereof for the time being, beyond the amount of land-revenue and village-cesses for the time being chargeable thereon, and whose father and grand-father, uncle and grand-uncle occupying the same land have paid no rent and rendered no service in respect thereof to such proprietor, beyond the amount aforesaid;

(2.) or who has involuntarily parted or shall involuntarily part with proprietary rights in any land otherwise than by forfeiture to Government; and who has continuously occupied or shall continuously occupy such land or any part thereof from the time of such parting;

(3.) or who is, at the date of the passing of this Act, the representative of a person who settled as a cultivator in the village in which the land occupied by such tenant is situate along with the founders of the village;

(4.) or who is or has been jágírdár of the village or any part of the village in which the land occupied by him as tenant is situate, and who has continuously occupied such land for not less than twenty years—

shall be deemed to have a right of occupancy in the land so occupied.

VI. Every tenant whose name appears in the records of a regular or revised settlement heretofore sanctioned by the Local Government, as having a right of occupancy in land which he or the person from whom he has immediately inherited has continuously occupied from the entry of his name or the name of such person (as the case may be) in such settlement, shall be presumed to have a right of occupancy in the land so occupied, unless the landlord shall in a regular suit prove—

Presumption arising from entry in settlement record.

Rebuttal of presumption.

(1.) that, within the thirty years immediately before the institution of such suit, other tenants of the same class in the same or in adjacent villages have ordinarily been ejected from their holdings at the will of the landlord ; or

(2.) that the tenant has voluntarily admitted, before any officer employed in making or revising a regular settlement of land-revenue or before any officer authorized to attest the entries in the record of such settlement, that he is a tenant not having a right of occupancy, and that such admission has been recorded at the time by the officer so employed or authorized.

VII. If the tenant has voluntarily exchanged the land, or any portion of the land, formerly occupied by him for other land belonging to the same landlord, the land taken in exchange shall, for the purposes of this Act, be held to be subject to the same right of occupancy as the land given in exchange would have been subject to if the exchange had not taken place.

Right of occupancy in land taken in exchange.

VIII. Nothing herein contained shall be deemed to preclude any person claiming a right of occupancy on any ground other than the grounds hereinbefore specified from suing to establish such right.

Suits to establish rights of occupancy on other grounds.

IX. No tenant shall be deemed to acquire a right of occupancy by mere lapse of time.

Non-acquisition of right of occupancy by lapse of time.

And no right of occupancy in the common lands belonging to a pattídárí village community shall be acquired under this chapter.

CHAPTER III.

OF RENT.

1.—*Enhancement.*

X. No tenant shall, in the absence of an agreement or decree of Court to the contrary effect, be held liable, in a suit for arrears of rent in respect of any land, to pay rent exceeding in amount the rent payable by him in respect of such land for the last preceding agricultural year, unless a decree for the enhancement of the rent has been made as hereinafter provided.

Decree for enhancement of rent.

The said Lieutenant-Governor shall have power, from time to time, by notification in the official Gazette, to declare for all or any of the districts under his government the day on which the agricultural year shall, for the purposes of this section, be deemed to commence.

XI. The Court may decree that the rent previously payable by any tenant having a right of occupancy may be enhanced on any of the following grounds:—

Grounds of enhancement.

1*st Ground.*—That the quantity of land held by him as tenant exceeds the quantity for which he has previously been liable to pay rent.

Rule.—In this case the Court shall decree rent for the land in excess at the same rate as that payable in respect of the land of a similar description and with similar advantages held by him of the same landlord.

2*nd Ground.*—That the rate of rent paid by him is below the rate of rent usually paid in the same or adjoining villages by the same class of tenants having a right of occupancy for land of a similar description and with similar advantages.

Rule.—In this case the Court shall enhance his rent to the amount claimed by the plaintiff not exceeding such rate.

3rd Ground.—That the rate of rent paid by him is—

if he belong to the class described in clause 1 of section 5, more than fifty per centum ;

if he belong to any of the classes specified in clauses 2, 3, or 4 of section 5, more than thirty per centum ;

and if he belong to the class specified in section 6, more than fifteen per centum—

below the rate of rent usually paid in the neighbourhood by tenants of the same class not having a right of occupancy for land of a similar description and with similar advantages.

Rule.—In this case the Court shall enhance his rent to the amount claimed by the plaintiff not exceeding such rate, less fifty per centum, thirty per centum, or fifteen per centum, as the case may be.

Enhancement when tenant pays revenue or cesses.

XII. If the revenue or any of the village-cesses is payable by the defendant, the rate to which his rent may be enhanced shall be reduced by the amount so payable.

Suit for re-enhancement.

XIII. After a decree has been passed under section 10, no suit shall lie against the defendant for re-enhancement of his rent until the expiration of five years from the date of such decree, unless in the meantime there has taken place a general revision of regular settlement, under which the revenue payable for the land comprised in the decree has been increased.

2.—*Abatement.*

Grounds of right to abatement.

XIV. Every tenant having a right of occupancy shall be entitled to claim abatement of the rent previously paid by him on either of the following grounds, and on no others :—

(1.) that the area of the land in his occupation has been diminished by diluvion or otherwise, or proved to be less than the quantity for which rent has been previously paid by him ; or

(2.) that the productive powers of such land have been decreased by any cause beyond his control.

3.—Remission.

When Court may allow remission from rent.

XV. Notwithstanding anything hereinbefore contained, it shall be lawful for the Court, in making a decree for an arrear of rent—

if the area of the land in the tenant's occupation has been diminished by diluvion or otherwise,

or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed—

to allow such remission from the rent payable by him as may appear equitable:

Provided that, if the tenant hold a lease for an unexpired term of not less than five years, or have a right of occupancy, in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue has been allowed on the same ground and by competent authority in respect of the same estate.

4.—Rent in Kind.

Commutation of rent in kind.

XVI. No commutation of rent in kind into rent in money, and no commutation of rent in money into rent in kind, shall take place without the consent of both the landlord and the tenant.

Division and appraisement of produce taken for rent.

XVII. Whenever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence of the person entitled to the rent and of the cultivator, either personally or by their recognized agents—

if either party neglects to be present at the proper period,

or if a dispute arises between the parties regarding such division, estimate, or appraisement—

either party may present an application to the Court, on a paper bearing a stamp of eight annas, requesting that a proper person be deputed to make the division, estimate, or appraisement.

Procedure in case of dispute.

XVIII. On receiving such application and such sum, to be paid in the first instance by the applicant, as the Court thinks sufficient to defray the costs of serving the notice and making the award next hereinafter mentioned, the Court shall issue a written notice to the other party, requiring him to attend on the date and at the place specified in the notice, and shall depute a proper person to make the division, estimate, or appraisement, and to direct by whom the costs of each party are to be paid.

The award of such person in respect of the said division, estimate, or appraisement and costs, shall be final, unless within three months from the date thereof either party institutes a suit to set it aside.

CHAPTER IV.

OF EJECTMENT.

Ejectment of tenant with right of occupancy.

XIX. No tenant having a right of occupancy in any land shall be ejected therefrom otherwise than in execution of a decree.

Such decree shall not be made, unless—

(1.) at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards ; or

(2.) the landlord tenders to the tenant, in addition to any compensation to which he may be entitled under sections 27 and 37 (but subject to deduction in respect of the arrears of rent, if any, payable by him), such compensation as the Court thinks fit, not less than fifteen, and not more than thirty, times the amount of the net annual profits receivable by the tenant in respect of such land on an average of the three years next before the date of the tender.

Nothing in the last preceding clause shall be deemed to apply to a tenant belonging to any of the classes specified in section 5,

or to a tenant when he or the person from whom he has inherited, has continuously occupied such land for thirty years or upwards.

Ejectment of tenant without right of occupancy.

XX. A tenant not having a right of occupancy may be ejected—

1*st*, if a decree has been obtained against him for arrears of rent or for ejectment; or

2*nd*, when he is not holding under an unexpired lease, or an agreement, or a decree of Court, by notice given by the landlord in manner hereinafter mentioned.

Time of ejectment.

XXI. Notwithstanding anything herein contained, no tenant shall be ejected from the land in his occupation, except between the fifteenth day of April and the fifteenth day of June, unless, while the rent in respect of such land is in arrear, he has failed to cultivate the land in accordance with the terms on which he holds it.

Notice of Ejectment.

Notice of ejectment.

XXII. The notice of ejectment shall be written in the vernacular language of the district: it shall specify the lands from which the tenant is to be ejected; and it shall inform him that, if he means to dispute the ejectment, he must institute a suit for that purpose on or before the fifteenth day of May next after the service of the notice, or quit the land on or before that date.

The said Lieutenant-Governor shall determine what, for the purposes of this section, shall be deemed to be the vernacular language of each district in the territories under his government.

Service of notice.

XXIII. On the landlord's application to the tahsíldár or other officer authorized to serve such notices, the notice shall be served by him on or before the fifteenth day of April, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant.

But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at some conspicuous place in the village wherein the land is situate.

Power to alter dates for suing to dispute, and for serving notice of ejectment.

XXIV. The said Lieutenant-Governor shall have power, from time to time, by notification published in the official Gazette, not less than six months before such notification is to come into force, to fix, for the purposes of sections 22 and 23, in all or any of the districts under his government, any two days other than the days fixed in the same sections:

Provided that, between the days so fixed by notification, there shall be an interval of at least one month.

Cessation of tenancy on failure to contest notice.

XXV. If the tenant on whom such notice of ejectment has been served, fails to institute, on or before the fifteenth day of May next, after the service, or, in case the said Lieutenant-Governor fixes, for the purpose of section 22, any day other than the said fifteenth day of May, then, on or before the day so fixed, a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on that day.

Assistance to eject.

When assistance to eject may be given by Court.

XXVI. If no such suit be brought, or if such suit be brought and dismissed, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased under the provisions of section 22, he may apply for such assistance; and if the Court be satisfied that notice of ejectment was duly served on such person, it shall, subject to the provisions of section 19, give such assistance accordingly.

Nothing done by the Court under this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment, and to recover compensation for the same.

Growing Crops.

Compensation to ejected tenant for growing crops.

XXVII. Any tenant ejected in accordance with the provisions of this Act, shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant and being on the land at the time of the ejectment:

Provided that, if the land has been sown or planted by the tenant after the service on him of the notice mentioned in section 20, he shall not be so entitled, unless, after such service, the landlord has expressly authorized him to continue to occupy the land.

CHAPTER V.

OF RELINQUISHMENT, LEASES AND UNDER-LEASES, ALIENATION AND SUCCESSION.

1.—*Relinquishment.*

Relinquishment of land by tenant.

XXVIII. Every tenant shall be liable to pay the rent payable in respect of the land in his occupation for the ensuing agricultural year, unless, on or before the first day of January next before the commencement of that year, he gives notice to the landlord of his intention to relinquish such land before the commencement of such year, and relinquishes it accordingly, or unless the land has been let to any other person by the landlord.

Power to fix commencement of agricultural year for purposes of section 28.

XXIX. The said Lieutenant-Governor shall have power, from time to time, by notification in the official Gazette, to declare, for all or any of the districts under his government, the day on which the agricultural year shall, for the purposes of section 28, be deemed to commence, and, in lieu of the said first day of January, to substitute, for the purposes of section 28, in all or any of the same districts, such day as he thinks fit.

XXX. If the tenant relinquishes the land according to his said notice, he shall be discharged from all liability to pay the rent which would otherwise have accrued due in respect of such land after the date of the relinquishment.

Discharge of tenant.

XXXI. If the landlord or his recognized agent refuse to receive such notice, the tenant may apply to the tahsíldár or proper officer, and written notice shall thereupon be served by him on such landlord or agent, and the tenant shall pay the costs of service.

Refusal to receive notice.

The notice shall, if practicable, be served personally on the landlord or agent.

But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at some conspicuous place in the village wherein the land is situate.

2.—*Leases and Under-Leases.*

XXXII. Every tenant having a right of occupancy may let or under-let the land in his occupation, or any part thereof:

Right to let or under-let.

Provided that nothing in the former part of this section shall be deemed to affect any agreement on the part of a lessee that he will not, or will not without the previous consent of the lessor or his representative, under-let or part with the possession of the said land or any portion thereof.

Saving of agreements not to let or sub-let.

XXXIII. Every person to whom land is let or under-let under section 32 shall, in respect of such land, and so far as regards the landlord and his representative, be subject to all the liabilities under this Act to which the lessor or under-lessor would have been subject in respect of such land, and so far as regards such landlord and his representative, in case the lease or under-lease had not been made.

Liability of lessee and under-lessee.

3.—*Alienation.*

XXXIV. Any tenant having a right of occupancy claimable in accordance with the terms of any of the clauses of section 5, may alienate the land in his occupation, or any part thereof:

Right of tenant to alienate.

Provided that, in every such case, the land or part aforesaid shall be offered for sale in the first instance to the landlord at the market-value, and shall not be alienated to any other person unless the landlord shall, for the space of one month, refuse or neglect to complete the purchase.

Landlord's right of pre-emption.

Every other tenant may alienate the land in his occupation, or any part thereof, with his landlord's previous consent, but not otherwise.

XXXV. Every person other than the landlord, to whom land is alienated under section 34, shall, in respect of such land, have the same rights and be subject to the same liabilities as the tenant making the alienation.

Rights and liabilities of tenant's alienee.

4.—*Succession.*

XXXVI. When a tenant having a right of occupancy in any land dies, his right shall devolve on his male lineal descendants (if any), and, failing such descendants, the right shall go to his male collateral relatives : Provided that the common ancestor of the deceased and his said relatives shall have occupied such land.

Succession to right of occupancy.

As among descendants and collateral relatives claiming under this section, such right shall devolve and go as if it were land left by the deceased in the village in which such land is situate.

CHAPTER VI.

Of Compensation for Tenants' Improvements.

XXXVII. If any tenant, or, in the case of a tenant with a right of occupancy, the person from whom he has inherited, makes any such improvements on the land in his occupation as are

Tenant's right to compensation for improvements.

hereinafter mentioned, the rent payable by him or his representative in respect of such land shall not be enhanced, nor shall he or his representative be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the money or labour, or both, expended in making such improvements by him or the person from whom he has inherited, or whom he represents, within thirty years next before the date of such enhancement or ejectment.

"Improvements" defined.

XXXVIII. The word "improvements," as used in section 37, means works by which the annual letting-value of the land has been, and at the time of demanding compensation continues to be, increased, and shall comprise—

1*st*, the construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells, the reclaiming and clearing of waste lands and other works of a like nature;

2*nd*, the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not required for maintaining the same, and which increase durably their value.

Compensation how made.

XXXIX. Such compensation may, at the option of the landlord or his representative, be made—

(1.) by payment in money;

(2.) by the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative; or

(3.) partly by payment in money, and partly by the grant of such lease as aforesaid.

Provision for differences as to amount or value of compensation.

XL. In case of difference as to the amount or value of the compensation tendered, either party may present an application to the Court on a paper bearing a stamp of eight annas, stating the matter in dispute, and requesting a determination thereof.

Notice of such application shall be served on the other party by the proper officer, and the applicant shall pay the costs of service.

On receiving such application, the Court, after taking such evidence as the parties or either of them may adduce, and after making such further enquiry (if any) as it may deem necessary, shall determine (as the case may be) the amount of the payment or the terms of the lease, or both:

Provided that, in determining such amount or value, the Court shall take into account any assistance given by the landlord, either directly by money, material, or labour at the time of making such improvements, or indirectly by subsequently allowing the tenant to hold at a rate of rent more favourable than the rate at which he otherwise would have held.

Tender of lease for twenty years to bar right to claim compensation.

XLI. If in any case a landlord tenders to a tenant a lease of the land in his occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements previously made on such land by the tenant or the person from whom he has inherited.

CHAPTER VII.

OF PROCEDURE.

Civil Courts to hear cases under certain sections.

XLII. Cases cognizable under sections 5, 6, 11, 14, 19, 20, and 25, shall, unless otherwise provided for by any law for the time being in force, and subject to the provisions of section 21 of Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies)*, be heard in the Civil Courts other than the Courts of Small Causes, unless when such Courts of Small Causes shall have been specially empowered by the Local Govern-

ment, under Act No. XI of 1865, section 6, to hear such cases.

Applications under certain sections to be proceedings on Revenue side.

Applications under sections 17, 23, 26, and 31, shall be deemed to be proceedings on the Revenue side: they shall be subject to the rules of procedure for the time being in force in such cases; and all orders on such applications shall be appealable to the Financial Commissioner of the Panjab.

Stamp on certain plaints.

XLIII. The plaint in every suit under sections 5, 6, 11, 14, and 25, shall bear a stamp of eight annas.

Saving of procedure for recovery of rent.

XLIV. The procedure now in force in the Panjab for the recovery of rent shall, except in so far as it is inconsistent with the provisions of this Act, continue to be in force.

Confirmation of proceedings of settlement officers.

XLV. All proceedings of officers of Government in making or revising, prior to the passing of this Act, settlements of land-revenue, shall, so far as such proceedings are consistent with the provisions of this Act, and subject to appeal and revision when an appeal or a revision is provided, be deemed to have been taken in accordance with law.

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THE OUDH ESTATES' ACT.

ACT No. I OF 1869.

(Received the assent of the Governor-General on the 12th January 1869.)

An Act to define the rights of Taluqdárs and others in certain estates in Oudh, and to regulate the succession thereto.

Recites proprietary rights conferred in 1858 under conditions and doubts respecting them, and the course of succession thereto, and the expediency of removing such doubts and making further provisions.

ENACTS—

I.—Preliminary, 1—2.

1. Entitles the Act as above, and limits its application.

2. Interprets the words "Transfer," "Will," "Codicil," "Signed," "Registered," "Minor," Minority," "Taluqdár," "Grantee," "Estate," "Heir," and "Legatee;" and limits words expressing *relationship.*

II.—Rights and Liabilities of Taluqdárs and Grantees, 3—7.

3—5. Taluqdárs with whom (*a*) summary settlement was made between 1st April 1858 and 10th October 1859, or (*b*) to whom a taluqdári sanad has been granted between said 1st April 1858 and the passing of this Act, shall be deemed thereby to have acquired an estate of the kind defined in the villages, &c., named in list, &c., or in decree, &c., subject to conditions expressed; and (4) lands exempted by proclamation from confiscation, and for which a kabúliyat was executed between 1st April 1858 and 1st April 1860, shall be deemed to be held with same right and title as are defined in section 3, subject to same conditions; and (5) Grantees shall have same rights as Taluqdárs subject to same conditions as under section 3.

6. Saves rights of mortgagees under mortgages executed on or after 13th February 1844, where mortgage term was not defined, or, being defined, did not expire before 13th February 1856.

7. Directs in what manner a Taluqdár or Grantee, &c., may cause the devolution as heirlooms with his estate, of elephants, jewels, &c.

III.—Lists of Taluqdárs and Grantees, 8—10.

8—10. Directs that the Chief Commissioner of Oudh shall cause lists to be prepared of Taluqdárs in six specified classes; and (9) that such lists should be published, and makes provisions for supplementary lists; and (10) that none are to be considered as Taluqdárs or Grantees but those contained in the lists.

IV.—Powers of Taluqdárs and Grantees to transfer and bequeath, 11—13.

11. Invests Taluqdárs and Grantees, and their heirs and legatees, with power to transfer during their lives, by sale, &c., and to bequeath, &c., any portion of their estate, right or interest; also married women to bequeath, and deaf, dumb, and blind persons to transfer or bequeath, and the insane during lucid intervals; but denies the power to persons in specified states of incapacity from intoxication, &c.; and declares void acts caused by fraud, and other specified grounds of invalidity.

12. Makes invalid the creation of interest, the investing of which is postponed beyond a life in being, and the minority of some other persons living at the time of the decease of the transferree or testator.

13. Prohibits transfer or bequest, except (1) to the ordinary successor to the estate, or (2) to a younger son if the Taluqdár is a Taluqdár of the third or fifth list, unless by gift or will executed and attested in manner and within time prescribed.

V.—Transfers and bequests, 14—18.

14—15. Directs that transferrees and legatees being younger sons, or such persons as would ordinarily have succeeded to the estate, shall hold subject to the same conditions and rules of succession as the transferor, &c.; and (15) that transferrees and legatees not in the line of succession shall hold subject to the same regulations as if they had acquired from a person not being a Taluqdár or Grantee.

16—18. Directs that no transfer by a Taluqdár, &c., shall be valid unless in writing signed by the transferor and attested by two witnesses; nor (17) if the transfer be made by gift, unless the gift be followed by delivery and the instrument be registered within one month, &c.; and (18) gifts to charitable or religious uses are to be void except by instruments, &c., executed within time prescribed and in manner specified.

VI.—Testamentary Succession, 19—20.

19. Extends sections 49, 50, 51, 54, 55, 57 to 77, and 82, 83, 85, 88 to 98 of Act X, 1865, to wills of Taluqdárs, &c., under the provisions specified.

20. No Taluqdár, &c., having a child, &c., shall have power to make a bequest for religious or charitable uses exceeding in value 2,000 Rs. except by will executed and registered as specified.

VII.—Intestate Succession, 21—23.

21—23. Applies the words "Son," "Descendants," "Daughter," "Brother," and "Widow;" and (22) lays down rules of succession under nine heads in case of intestacy of Taluqdárs of the second, third, or fifth lists, &c.; and (23) succession in case of intestacy of other than those to be according to the ordinary law of succession.

VIII.—Maintenance, 24—28.

24—28. Entitles specified relatives to allowance at specified rates for maintenance out of the estates of Taluqdárs and Grantees, and establishes a lien for such maintenance; (25) in case of grand-parents, parents, and widows, what; (26) in case of brothers and minor sons, what; and of nephews being fatherless minors; and (27) in case of unmarried daughters of deceased, widows of his sons and brothers, and his widows of specified condition; and (28) directs as to the continuance of the annuities.

IX.—Miscellaneous, 29—33.

29. Extends to Mahomedan Taluqdárs, &c., the Hindú right of adoption of a son, and in what manner it must be exercised.

30—31. Empowers Taluqdárs of the third and fifth lists in a special manner to have themselves taken out of the operation of section 22 as respects the Law of Intestacy, and placed under the operation of the ordinary Law of Intestacy; and (31) empowers all other Taluqdárs in prescribed manner to obtain the same advantage.

32—33. Saves the rights of creditors; and (33) saves the operations of specified awards respecting provision to be made for relatives.

SCHEDULES.

First.—(1) Letter from Government of India to Chief Commissioner, Oudh; (2) from same to same.

Second.—List of Taluqdárs.

Preamble.

WHEREAS, after the re-occupation of Oudh by the British Government in the year 1858, the proprietary right in divers estates in that province was, under certain conditions, conferred by the British Government upon certain Taluqdárs and others; and whereas doubts may arise as to the nature of the rights of the said Taluqdárs and others in such estates, and as to the course of succession thereto; and whereas it is expedient to prevent such doubts, and to regulate such course, and to provide for such other matters connected therewith as are hereinafter mentioned; It is hereby enacted as follows:—

I.—*Preliminary.*

Short title.

Extent of Act.

I. This Act may be cited as "The Oudh Estates' Act, 1869," and shall extend only to the estates hereinafter referred to.

Interpretation-clause.

II. In this Act, unless there be something repugnant in the subject or context—

"Transfer."

"Transfer" means an alienation *inter vivos*;

"Will."

"Will" means the legal declaration of the intentions of the testator with respect to his property affected by this Act, which he desires to be carried into effect after his death;

"Codicil."

"Codicil" means an instrument made in relation to a Will, and explaining, altering, or adding to its dispositions: It is considered as forming an additional part of the Will;

"Signed."

"Signed" applies to the affixing of a mark;

"Registered."

"Registered" means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh;

"Minor."

"Minority."

"Minor" means any person who shall not have completed the age of eighteen years, and "minority" means the status of such person;

"Taluqdár." "Taluqdár" means any person whose name is entered in the first of the lists mentioned in section eight;

"Grantee." "Grantee" means any person upon whom the proprietary right in an estate has been conferred by a special grant of the British Government, and whose name is entered in the fifth or sixth of the lists mentioned in section eight;

"Estate." "Estate" means the taluqa or immoveable property acquired or held by a Taluqdár or Grantee in the manner mentioned in section three, section four, or section five, or the immoveable property conferred by a special grant of the British Government upon a Grantee;

"Heir." "Heir" means a person who inherits property otherwise than as a widow, under the special provisions of this Act; and

"Legatee." "legatee" means a person to whom property is bequeathed under the same provisions;

Words expressing relationship. Words expressing relationship denote only legitimate relatives, but apply to children in the womb who are afterwards born alive.

II.—*Rights and liabilities of Taluqdárs and Grantees.*

Taluqdárs to have heritable and transferable rights in their estates. III. Every Taluqdár with whom a summary settlement of the Government revenue was made between the first day of April 1858 and the tenth day of October 1859, or to whom, before the passing of this Act and subsequently to the first day of April 1858, a taluqdárí sanad has been granted,

shall be deemed to have thereby acquired a permanent, heritable, and transferable right in the estate comprising the villages and lands named in the list attached to the agreement or kabúliyat executed by such Taluqdár when such settlement was made,

or which may have been or may be decreed to him by the Court of an officer engaged in making the first regular settlement of the province of Oudh, such decree not having been appealed

from within the time limited for appealing against it, or, if appealed from, having been affirmed,

subject to all the conditions affecting the Taluqdár contained in the orders passed by the Governor-General of India on the tenth and nineteenth days of October 1859 and re-published in the first schedule hereto annexed, and subject also to all the conditions contained in the sanad under which the estate is held.

Subject to certain conditions.

IV. Every person whose lands the proclamation issued in Oudh in the month of March 1858 by order of the Governor-General of India specially exempted from confiscation, and whose names are contained in the second schedule hereto annexed, shall be deemed to possess in the lands for which such person executed a kabúliyat between the first day of April 1858 and the first day of April 1860 the same right and title which he would have possessed thereto if he had acquired the same in the manner mentioned in section three; and he shall be deemed to hold the same subject to all the conditions affecting Taluqdárs which are referred to in the said section, and to be a Taluqdár for all the purposes of this Act.

Rights and liabilities of persons named in second schedule.

V. Every Grantee shall possess the same rights and be subject to the same conditions in respect of the estate comprised in his grant as a Taluqdár possesses and is subject to, under section three, in respect of his estate.

Grantee's rights and liabilities.

VI. Nothing in sections three, four, and five, or in the said orders, or in any sanad, shall be deemed to bar a suit for redemption,

Saving of certain redemption-suits.

(*a*) where the instrument of mortgage was executed on or after the thirteenth day of February 1844 and fixed no term within which the property comprised therein might be redeemed, or

(*b*) where the instrument of mortgage fixed a term within which the property comprised therein might be redeemed, and such term did not expire before the thirteenth day of February 1856.

VII. If a Taluqdár or Grantee, or any heir or legatee of a Taluqdár or Grantee, desire that any elephants, jewels, arms, or other articles of

Heirlooms.

moveable property belonging to him shall devolve along with his estate, he shall take an inventory of such articles. Such inventory shall be signed by him and deposited in the office of the Deputy Commissioner of the District wherein such estate or the greater part thereof is situate; and thereupon such of the said articles as shall not have been transferred shall (so far as may be possible) be used and enjoyed by the person who, under or by virtue of this Act, is for the time being in actual possession or in receipt of the rents and profits of the said estate or the greater part thereof, otherwise than as mortgagee or lessee.

III.—*Lists of Taluqdárs and Grantees.*

Preparation of lists of Taluqdárs and Grantees.

VIII. Within six months after the passing of this Act, the Chief Commissioner of Oudh, subject to such instructions as he may receive from the Governor-General of India in Council, shall cause to be prepared six lists, namely—

First.—A list of all persons who are to be considered Taluqdárs within the meaning of this Act;

Second.—A list of the Taluqdárs whose estates, according to the custom of the family on and before the thirteenth day of February 1856, ordinarily devolved upon a single heir;

Third.—A list of the Taluqdárs, not included in the second of such lists, to whom sanads or grants have been or may be given or made by the British Government up to the date fixed for the closing of such lists, declaring that the succession to the estates comprised in such sanads or grants shall thereafter be regulated by the rule of primogeniture;

Fourth.—A list of the Taluqdárs to whom the provisions of section twenty-three are applicable;

Fifth.—A list of the Grantees to whom sanads or grants have been or may be given or made by the British Government, up to the date fixed for the closing of such list, declaring that the succession to the estates comprised in such sanads or grants shall thereafter be regulated by the rule of primogeniture;

Sixth.—A list of the Grantees to whom the provisions of section twenty-three are applicable.

IX. When the lists mentioned in section eight shall have been approved by the Chief Commissioner of Oudh, they shall be published in the *Gazette of India*. After such publication, the first and second of the said lists shall not, except in the manner provided by section thirty or section thirty-one, as the case may be, be liable to any alteration in respect of any names entered therein.

Publication of lists.

If, at any time after the publication of the said lists, it appears to the Governor-General of India in Council that the name of any person has been wrongly omitted from or wrongly entered in any of the said lists, the said Governor-General in Council may order the name to be inserted in the proper list, and such name shall be published in the *Gazette of India* in a supplementary list, and such person shall be treated in all respects as if his name had been from the first inserted in the proper list.

Supplementary list.

X. No persons shall be considered Taluqdárs or Grantees within the meaning of this Act, other than the persons named in such original or supplementary lists as aforesaid. The Courts shall take judicial notice of the said lists and shall regard them as conclusive evidence that the persons named therein are such Taluqdárs or Grantees.

None but persons named in lists to be deem·d Taluqdárs or Grantees.

IV.—*Powers of Taluqdárs and Grantees to transfer and bequeath.*

XI. Subject to the provisions of this Act, and to all the conditions under which the estate was conferred by the British Government, every Taluqdár and Grantee, and every heir and legatee of a Taluqdár and Grantee, of sound mind and not a minor, shall be competent to transfer the whole or any portion of his estate, or of his right and interest therein, during his life-time, by sale, exchange, mortgage, lease, or gift, and to bequeath by his

Taluqdárs and Grantees may transfer and bequeath.

will to any person the whole or any portion of such estate, right and interest.

A married woman may make a bequest under this Act of any property which she could alienate by her own act during her life.

Persons who are deaf or dumb or blind are not thereby incapacitated for making a transfer or bequest under this Act, if they are able to know what they do by it.

One who is ordinarily insane may make a transfer or bequest under this Act during an interval in which he is of sound mind.

No person can make a transfer or bequest under this Act while he is in such a state of mind, whether from drunkenness, or from illness, or from any other cause, that he does not know what he is doing.

A transfer and a will, or any part of a will, the making of which has been caused by fraud or coercion or by such importunity as takes away the free agency of the transferor or testator, is void.

Rule against perpetuity.

XII. No transfer or bequest under this Act shall be valid whereby the vesting of the thing transferred or bequeathed may be delayed beyond the life-time of one or more persons living at the decease of the transferree or testator and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing transferred or bequeathed is to belong.

Restriction as to donees and legatees.

XIII. No Taluqádr or Grantee, and no heir or legatee of a Taluqdár or Grantee, shall have power to give or bequeath his estate, or any portion thereof, or any interest therein, to any person not being either—

(1) a person who, under the provisions of this Act, or under the ordinary law to which persons of the donor's or testator's tribe and religion are subject, would have succeeded to such estate or to a portion thereof, or to an interest therein, if such Taluqdár or Grantee, heir or legatee, had died intestate, or

(2) a younger son of the Taluqdár or Grantee, heir or legatee, in case the name of such Taluqdár or Grantee appears in the third or the fifth of the lists mentioned in section eight, except by an instrument of gift or a will executed and attested, not

less than three months before the death of the donor or testator, in manner herein provided in the case of a gift or will, as the case may be, and registered within one month from the date of its execution.

V.—*Transfers and Bequests.*

XIV. If any Taluqdár or Grantee shall heretofore have transferred or bequeathed, or if any Taluqdár or Grantee, or his heir or legatee, shall hereafter transfer or bequeath, the whole or any portion of his estate to another Taluqdár or Grantee, or to such younger son as is referred to in section thirteen, clause two, or to a person who would have succeeded according to the provisions of this Act to the estate or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transferree or legatee and his heirs and legatees shall have the same rights and powers in regard to the property to which he or they may have become entitled under or by virtue of such transfer or bequest, and shall hold the same subject to the same conditions and to the same rules of succession as the transferor or testator.

Transfers and bequests to Taluqdárs or heirs.

XV. If any Taluqdár or Grantee shall heretofore have transferred or bequeathed, or if any Taluqdár or Grantee, or his heir or legatee, shall hereafter transfer or bequeath to any person not being a Taluqdár or Grantee the whole or any portion of his estate, and such person would not have succeeded according to the provisions of this Act to the estate or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transfer of and succession to the property so transferred or bequeathed shall be regulated by the rules which would have governed the transfer of and succession to such property if the transferree or legatee had bought the same from a person not being a Taluqdár or Grantee.

Transfers and bequests to persons out of line of succession.

XVI. No transfer of any estate, or of any portion thereof, or of any interest therein, made by a Taluqdár or Grantee, or by his heir or legatee, under the provisions of this Act, shall be valid unless made by

Transfers to be in writing, signed and attested.

an instrument in writing signed by the transferor and attested by two or more witnesses.

Further requisites to validity of gifts *inter vivos*.

XVII. If any such transfer be made by gift, the gift shall not be valid unless, within six months after the execution of the instrument of gift, the gift be followed by delivery by the donor, or his representative in interest, of possession of the property comprised therein, nor unless the instrument shall have been registered within one month from the date of its execution.

Gifts to religious or charitable uses.

XVIII. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, shall have power to give his estate, or any portion thereof or interest therein, to religious or charitable uses, except by an instrument of gift executed not less than three months before his death, and subject to the provisions contained in section seventeen.

VI.—*Testamentary Succession.*

Sections of Succession Act applied to wills of Taluqdárs.

XIX. Sections 49, 50, 51, 54, 55, and 57 to 77 (both inclusive), and sections 82, 83, 85, and 88 to 98 (both inclusive) of the Indian Succession Act (No. X of 1865), shall apply to all wills and codicils made by any Taluqdár or Grantee, or by his heir or legatee, under the provisions of this Act, for the purpose of bequeathing to any person his estate, or any portion thereof, or any interest therein: Provided that marriage shall not revoke any such will or codicil: Provided also that nothing herein contained shall affect wills made before the passing of this Act.

In applying the said sections to wills and codicils made under this Act, all words hereinbefore defined, and occurring in such sections, shall (unless there be something repugnant in the subject or context) be deemed to have the same meaning as this Act has attached to such words respectively.

Bequests to religious and charitable uses.

XX. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, having a child, parent, brother, unmarried sister, or a nephew, being the naturally born son of a brother of such Taluqdár or Grantee, heir or legatee, shall have power to bequeath his estate

or any part thereof or any interest therein exceeding in amount or value the sum of two thousand rupees to religious or charitable uses, except by a will executed not less than three months before his death, and registered within one month from the date of its execution.

VII.—*Intestate Succession.*

XXI. In the next following section, unless where there is something repugnant in the context, the words 'son,' 'descendants,' 'daughter,' and 'brother' apply only to *najíb-ul-tarfain*, and the word 'widow' applies only to a woman belonging to the *ahl-i-brádarí* of her deceased husband.

'Son,' 'descendants,' 'daughter,' 'brother,' 'widow,' defined.

XXII. If any Taluqdár or Grantee whose name shall be inserted in the second, third, or fifth of the lists mentioned in section eight, or his heir or legatee, shall die intestate as to his estate, such estate shall descend as follows, *viz.* :—

Special rules of succession to intestate Taluqdárs and Grantees.

(1.)—To the eldest son of such Taluqdár or Grantee, heir or legatee, and his male lineal descendants, subject to the same conditions and in the same manner as the estate was held by the deceased;

(2.)—Or if such eldest son of such Taluqdár or Grantee, heir or legatee, shall have died in his life-time, leaving male lineal descendants, then to the eldest and every other son of such eldest son successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(3.)—Or if such eldest son of such Taluqdár or Grantee, heir or legatee, shall have died in his father's life-time without leaving male lineal descendants, then to the second and every other son of the said Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(4.)—Or in default of such son or descendants, then to such son (if any) of a daughter of such Taluqdár or Grantee, heir or legatee, as has been treated by him in all respect as his own son, and to the male lineal descendants of such son, subject as aforesaid;

(5.)—Or in default of such son or descendants, then to such person as the said Taluqdár or Grantee, heir or legatee, shall have adopted by a writing executed and attested in manner required in case of a will and registered, subject as aforesaid;

(6.)—Or in default of such adopted son, then to the eldest and every other brother of such Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(7.)—Or in default of any such brother, then to the widow of the deceased Taluqdár or Grantee, heir or legatee; or, if there be more widows than one, to the widow first married to such Taluqdár or Grantee, heir or legatee, for her life-time only:

(8.)—And upon the death of such widow, then to such son as the said widow shall, with the consent in writing of her deceased husband, have adopted by a writing executed and attested in manner required in case of a will and registered, subject as aforesaid;

(9.)—Or on the death of such first married widow and in default of a son adopted by her with such consent and in such manner as aforesaid, then to the other widow, if any, of such Taluqdár or Grantee, heir or legatee, next in order of marriage, for her life, and on the death of such other widow, to a son adopted by her with such consent and in such manner as aforesaid; or in default of such adopted son, then to the other surviving widows according to their respective seniorities as widows, for their respective lives, and on their respective deaths to the sons so adopted by them respectively, and to the male lineal descendants of such sons respectively, subject as aforesaid;

(10.)—Or in default of any such widow or of any son so adopted by her, or of any such descendant, then to the male lineal descendants, not being *najíb-ul-tarfain*, of such Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities and their respective male lineal descendants, whether *najíb-ul-tarfain* or not;

(11.)—Or in default of any such descendant, then to such persons as would have been entitled to succeed to the estate under the ordinary law to which persons of the religion and tribe of such Taluqdár or Grantee, heir or legatee, are subject.

Nothing contained in the former part of this section shall be construed to limit the power of alienation conferred by section eleven.

General rule of succession to intestate Taluqdárs and Grantees.

XXIII. Except in the cases provided for by section twenty-two, the succession to all property left by Taluqdárs and Grantees, and their heirs and legatees, dying intestate, shall be regulated by the ordinary law to which members of the intestate's tribe and religion are subject.

VIII.—*Maintenance.*

Maintenance of surviving relatives of Taluqdárs and Grantees.

XXIV. When any Taluqdár or Grantee, or his heir or legatee, dies leaving him surviving such relatives as are hereinafter mentioned, the person for the time being in the possession of his estate or the rents and profits thereof shall be liable to pay to each of such relatives during his or her life, or for such other period as is hereinafter mentioned, by twelve equal monthly payments, an annuity in accordance with the custom of the country not exceeding such amount as is hereinafter mentioned: Provided that such relative was at the date of the death of the deceased living together with him: Provided also that such relative is and continues to be without any other adequate means of maintenance.

If any part of such estate shall have been transferred or bequeathed by the deceased, the person for the time being in possession of such part, or of the rents and profits thereof, shall be liable to pay proportionate parts of the said annuities during the continuance thereof respectively.

Grandparents, parents, and senior widows.

XXV. In the case of the grandparents, parents, and senior widows of the deceased, the maximum amount of the annuity shall be as follows:—

(*a*) Where the annual revenue payable to Government in respect of the estate is or exceeds 1,50,000 rupees——a sum not exceeding 6,000 rupees;

(*b*) where such revenue is or exceeds 1,00,000 rupees, but is less than 1,50,000 rupees——a sum not exceeding 2,400 rupees:

(*c*) where such revenue is or exceeds 50,000 rupees, but is less than 1,00,000 rupees——a sum not exceeding 1,200 rupees:

(*d*) where such revenue is or exceeds 25,000 rupees, but is less than 50,000 rupees——a sum not exceeding 600 rupees:

(*e*) where such revenue is or exceeds 15,000 rupees, but is less than 25,000 rupees——a sum not exceeding 360 rupees:

(*f*) where such revenue is or exceeds 7,000 rupees, but is less than 15,000 rupees——a sum not exceeding 240 rupees: and

(*g*) where such revenue is less than 7,000 rupees——a sum not exceeding 180 rupees.

Junior widows.

In the case of a junior widow of the deceased, the maximum amount of the annuity shall be one-half of the maximum amount to which a senior widow of the deceased would be entitled under the former part of this section.

Brothers and minor sons.

XXVI. In the case of brothers and minor sons of the deceased, the maximum amount of the annuity shall be a sum not more than 1,200 rupees.

Nephews.

In the case of nephews of the deceased, being fatherless minors, the maximum amount of the annuity shall be a sum not more than 600 rupees.

Unmarried daughters, widows of sons and brothers, and inferior widows.

XXVII. In the case of unmarried daughters of the deceased, widows of his sons and brothers, and his widows not of his *ahl-i-brádarí*, the maximum amount of the annuity shall be a sum not more than 360 rupees.

Continuance of annuities.

XXVIII. Subject to the provisions hereinbefore contained, the said annuities shall continue,

(*a*) in the case of a minor son or a minor nephew, till he ceases to be a minor;

(*b*) in the case of a daughter or widow, till she voluntarily leaves the household of the heir or legatee of the deceased, or would, according to the custom of the country, cease to be entitled to maintenance; and

(*c*) in all other cases, till the annuitant dies.

IX.—*Miscellaneous.*

XXIX. Every Muhammadan Taluqdár, Grantee, heir, or legatee, and every widow of a Muhammadan Taluqdár or Grantee, heir, or legatee, with the consent in writing of her deceased husband, shall, for the purposes of this Act, have power to adopt a son whenever, if he or she were a Hindú, he or she might adopt a son.

Muhammadan Taluqdárs and Grantees empowered to adopt.

Such power shall be exerciseable only by writing executed and attested in manner required by section nineteen in case of a will and registered.

XXX. Any Taluqdár or Grantee whose name has been entered in the third or fifth of the lists mentioned in section eight, or his heir or legatee, may, at any time hereafter, present to the Chief Commissioner of Oudh a declaration in writing, executed and registered in the manner required by this Act, for the execution and registration of an instrument of gift, that he is desirous that the succession to his estate shall, in case of his intestacy, cease to be regulated in the manner described in section twenty-two, and that it shall in future be regulated by the ordinary law to which members of his tribe and religion are subject.

Alteration of rules of intestate succession in cases of Taluqdárs and Grantees named in list 3 or list 5.

On receiving such declaration, the said Chief Commissioner shall cause to be inserted the name of such Taluqdár or Grantee, heir or legatee, in the fourth or sixth (as the case may be) of the lists mentioned in section eight, and shall cause a note thereof to be made in the proper place in the third or fifth (as the case may be) of the said lists, and the succession to such estate shall thenceforward, in case of intestacy, be regulated in the manner provided by section twenty-three.

XXXI. Any Taluqdár or Grantee, heir or legatee, may, at any time hereafter, present to the Chief Commissioner of Oudh a declaration in writing, executed and registered in the manner required by this Act for the execution and registration of instruments of gift, that he is desirous that his estate should in future be held subject to the ordinary law of succession to which members of his tribe and religion are subject.

Reverter to ordinary law of succession.

On receiving such declaration, the Chief Commissioner shall cause a note thereof to be made in the proper places in each of the lists mentioned in section eight in which the name of such Taluqdár or Grantee, heir or legatee, has been entered, and thenceforward none of the provisions of this Act shall apply to such estate, which shall thenceforward be held subject in all respects to the ordinary law of succession to which members of his tribe and religion are subject.

Saving of rights of creditors.

XXXII. Nothing hereinbefore contained shall affect any right which the creditors of any person making a transfer or bequest under the provisions of this Act, would have possessed as against the property comprised in such transfer or bequest if this Act had not been passed.

Awards as to compensation and maintenance.

XXXIII. And whereas bodies of Taluqdárs have in several cases made awards respecting the provision to be made for certain relatives of Taluqdárs, and it is expedient to render such awards legally enforceable; it is hereby further enacted that every such award shall, if approved by the Financial Commissioner of Oudh and filed in his Court within six months after the passing of this Act, be enforceable as if a Court of competent jurisdiction had passed judgment according to the award and a decree had followed upon such judgment.

SCHEDULES.

FIRST SCHEDULE.

(See section 3.)

I.

From C. BEADON, Esq., Secretary to the Government of India, Foreign Department, to C. J. WINGFIELD, Esq., Chief Commissioner of Oudh,—(No. 6268, dated 10th October 1859.)

No. 1091, dated the 4th June.
No. 1877, dated the 15th July.

I am directed by the Governor-General in Council to acknowledge the receipt of your Secretary's letters noted in the margin, relative to the taluqdárí settlement of Oudh.

2. His Excellency in Council, agreeing with you as to the expediency of removing all doubts as to the intention of the Government to maintain the Taluqdárs in possession of the taluqas for which they have been permitted

to engage, is pleased to declare that every Taluqdár with whom a summary settlement has been made since the re-occupation of the province, has thereby acquired a permanent hereditary and transferable proprietary right, *viz.*, in the taluqa for which he has engaged, including the perpetual privilege of engaging with the Government for the revenue of the taluqa.

3. This right is, however, conceded, subject to any measure which the Government may think proper to take for the purpose of protecting the inferior Zamíndárs and village occupants from extortion, and of upholding their rights in the soil in subordination to the Taluqdárs.

4. The Governor-General in Council desires that you will have ready, by His Excellency's arrival at Lucknow, a list of the Taluqdárs upon whom a permanent proprietary right has now been conferred; and that you will prepare sanads to be issued to these Taluqdárs at that time. The sanads will be given by, and will run in the name of, the Chief Commissioner, acting under the authority of the Governor-General.

5. I am directed to add that, as regards Zamíndárs and others, not being Taluqdárs, with whom a summary settlement has been made, the orders conveyed in the limitation Circular No. 31 of the 28th of January 1859, must not be strictly observed. Opportunity must be allowed at the next settlement to all disappointed claimants to bring forward their claims, and all such claims must be heard and disposed of in the usual manner.

II.

From C. Beadon, Esq., Secretary to the Government of India, Foreign Department, with the Governor-General, to Chief Commissioner, Oudh,—(No. 23, dated 19th October 1859.)

I am directed by His Excellency the Governor-General to acknowledge the receipt of your demi-official letter of the 15th instant, enclosing a form of sanad to be given to the Taluqdárs of Oudh, granting them a full and permanent proprietary right in the taluqas for which they have severally been permitted to engage at the summary settlement.

2. This form of sanad is generally approved, and a revised copy, with some few alterations, is herewith enclosed for adoption and for careful translation into the Hindústání language, in which the sanads will be prepared.

3. The sanads declare that while, on the one hand, the Government has conferred on the Taluqdárs and on their heirs for ever the full proprietary right in their respective estates, subject only to the payment of the annual revenue that may be imposed from time to time, and to certain conditions of loyalty and good service, on the other hand, all persons holding an interest in the land under the Taluqdárs will be secured in the possession of the subordinate rights which they have heretofore enjoyed.

4. The meaning of this is that, when a regular settlement of the province is made, wherever it is found that Zamíndárs or other persons have

held an interest in the soil intermediate between the ryot and the Taluqdár, the amount or proportion payable by the intermediate holder to the Taluqdár, and the net jama finally payable by the Taluqdár to the Government, will be fixed and recorded after careful and detailed survey and inquiry into each case, and will remain unchanged during the currency of the settlement, the Táluqdár being, of course, free to improve his income and the value of his property by the reclamation of waste lands (unless in cases where usage has given the liberty of reclamation to the Zamíndár), and by other measures of which he will receive the full benefit at the end of the settlement. Where leases (pattás) are given to the subordinate Zamíndárs, they will be given by the Taluqdár, not by the Government.

5. This being the position in which the Taluqdárs will be placed, they cannot, with any show of reason, complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights, as those existed in 1855, of other persons whose connection with the soil is in many cases more intimate and more ancient than theirs; and it is obvious that the only effectual protection which the Government can extend to these inferior holders, is to define and record their rights and to limit the demand of the Taluqdár as against such person during the currency of the settlement to the amount fixed by the Government as the basis of its own revenue demand.

6. What the duration of the settlement shall be, and what proportion of the rent shall be allowed in each case to Zamíndárs and Taluqdárs, are questions to be determined at the time of settlement.

The Governor-General agrees in your observation that it is a bad principle to create two classes of recognized proprietors in one estate, and it is likely to lead to the alienation of a larger proportion of the land revenue than if there were only one such class. But whilst the taluqdárí tenure, notwithstanding this drawback, is about to be recognized and re-established, because it is consonant with the feelings and traditions of the whole people of Oudh, the zamíndárí tenure intermediate between the tenures of the Taluqdár and the ryot is not a new creation, and it is a tenure which, in the opinion of the Governor-General, must be protected.

SECOND SCHEDULE.

(See section 4.)

(1.)—Dig-Bijay Singh, Rájá of Balrámpúr.
(2.)—Rao Hardeo Bakhsh Singh, of Katíari.
(3.)—Kásbí Parshád, Taluqdár of Sisséndí.
(4.)—Jhabba Singh, Zamíndár of Gopál Khéra.
(5.)—Chandan Lál, Zamíndár of Moraon (Baiswára).

THE JUSTICES OF THE PEACE ACT.

ACT No. II OF 1869.

(Received the assent of the Governor-General on the 12th February 1869.)

An Act for the appointment of Justices of the Peace.

1. Names the Act as above; (2) repeals scheduled enactments.

3. Empowers the Government of India and Local Governments to appoint, for places to be notified in the *Gazette*, any Covenanted Civil Servants or British inhabitants as Justices of the Peace, &c.

4. Empowers the Government of India or the Local Government as respects Calcutta, and the respective Local Governments as respects Madras and Bombay, to appoint any persons resident in India, and not being the subjects of a Foreign State, as Justices of the Peace for those places.

5—8. Defines the power of such Justices generally; and (6) specially as respects British subjects; and (7) requires such Justices to subscribe a prescribed declaration; and (8) directs where such declaration shall be kept.

9. Makes such Justices liable to be suspended or dismissed by Government; and (10) directs that all Justices acting at time of passing the Act shall be deemed as appointed under it.

Schedule of repealed Acts.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the appointment of Justices of the Peace; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Justices of the Peace Act, 1869."

Repeal of enactments.

II. The enactments mentioned in the schedule hereto annexed are hereby repealed to the extent specified in the third column of the same schedule.

Appointment of Justices of the Peace for the Mofussil.

III. The Governor-General of India in Council, so far as regards the whole or any part of British India (other than the towns of Calcutta, Madras, and Bombay),

and every Local Government, so far as regards the territories subject to its government or administration (other than the towns aforesaid),

may, by notification in the Official Gazette, appoint such and so many of the Covenanted Civil Servants of the Crown in India, or other British inhabitants, as the said Governor-General in Council or the Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within and for the territories mentioned in such notification.

Appointment of Justices of the Peace for the presidency towns.

IV. The Governor-General of India in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint any persons resident within British India and not being the subjects of any Foreign State whom such Governor-General in Council or Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within the limits of the town mentioned in such notification.

Powers and duties of Justices of the Peace.

V. All persons appointed under section three or section four shall be Justices of the Peace and shall have authority to act as such, and shall have power to commit for trial European British subjects of Her Majesty to the Court prescribed in that behalf by the law in force for the time being, and shall do all other acts appertaining to the office of Justice of the Peace which under or by virtue of any law in force for the time being may be done by a Justice of the Peace within the said territories or towns, as the case may be.

Powers of Justices of the Peace in Native States.

VI. All persons being servants of Government appointed by the Governor-General in Council to act as Justices of the Peace for the whole of British India,

and all persons being servants of Government appointed by a Local Government to act as Justices of the Peace for the territories subject to such Government other than the towns aforesaid,

shall, so far as regards European British and Christian subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, have power to act as Justices of the Peace and to commit such subjects for trial according to law.

VII. Provided that no person other than a person now acting as a Justice of the Peace under a commission shall be capable of acting as a Justice of the Peace until he shall have made and subscribed, before some other Justice of the Peace or the chief civil officer of any station within the territories or place in and for which he shall have been appointed, declarations to the following effect:—

Declarations to be taken by Justices of the Peace.

"I declare that I will be faithful and bear true allegiance to Her Majesty."

"I declare that I will truly and faithfully discharge the office of a Justice of the Peace."

VIII. The subscriptions of such persons to the said declarations shall be deposited with and kept by such officer as the Governor-General in Council or the Local Government (as the case may be) shall from time to time appoint.

Subscriptions to declarations to be kept.

IX. The Governor-General of India in Council in the case of any Justice of the Peace appointed by him, and the Local Government in the case of any Justice of the Peace appointed by it, may suspend or dismiss any person so appointed.

Power to suspend or dismiss.

X. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns under any commission issued by any of the said High Courts, shall be deemed to have been appointed under section three by the said Governor-General in Council to act as a Justice of the Peace for the whole of British India.

Present Justices of the Peace to be deemed to be appointed under this Act.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section four by the Local Government.

SCHEDULE.

Number of Statute or Act.	Title of Statute or Act.	Extent of Repeal.
33 Geo. III., Cap. 52.	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating, to certain uses, the Revenues and Profits of the said Company; and for making provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay.	Sections 151 and 152.
47 Geo. III., Sess. 2, Cap. 68.	An Act for the better Government of the Settlements of Fort St. George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act passed in the thirty-third year of his present Majesty as relates to the periods at which the Civil Servants of the East India Company may be employed in their service abroad.	Sections 4, 5, and 6.
53 Geo. III., Cap. 155.	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company.	Section 112.
2 & 3 Wm. IV., Cap. 117.	An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East Indies.	The whole.
Act No. XVI of 1841.	An Act concerning the taking of Oaths of Qualification by Justices of the Peace.	So much as has not been repealed.
Act No. VI of 1845.	An Act to amend the Law regarding the issue of Commissions of the Peace.	The whole.
Act No. XXVII of 1864.	An Act to substitute certain declarations for the Oaths of Qualification taken by Justices of the Peace.	The whole.

N. W. PROVINCES. RURAL POLICE ACT.

ACT No. III OF 1869.

(Received the assent of the Governor-General on the 19th February 1869.)

An Act for the maintenance of the Rural Police in the North-Western Provinces.

Recites the expediency of making further provision for the maintenance of the Rural Police, &c., and respecting village watchmen.

1—3. Names the Act as above; (2) repeals Act II. 1865, and Act II. 1866; and (3) makes this Act co-extensive with Act II. 1865.

II.—Taxes, 4—13.

4. Makes three kinds of taxes leviable, and names them, *viz.*, (1) the house tax, 5—8; (2) the estate tax, 9—11; (3) the tax on Muáfídárs, &c.

5—8. Provides for the assessment, &c., of occupiers, and collection of tax; (6) fixes the time for payment; (7) and makes them recoverable as land revenue; (8) gives an appeal.

9—11. Empowers the Collector to assess the estate on default of the proprietor assessing the occupiers; (10) to assess the proprietor, &c.; and (11) provides for the alteration of the same by Government.

12—13. Provides for the levy of a municipal cess on sub-proprietors, &c.; and (13) empowers Government to fix times for payment.

III.—Application of the Taxes.

14. Makes the taxes applicable to maintenance of Village Police, &c.

IV.—Accounts of Taxes, 15—17.

15—17. Directs what accounts shall be kept; and (16) provides for their inspection; and (17) for the punishment of failure to keep accounts.

V.—Village Watchmen, 18—20.

18—20. Makes the nomination of the village watchman a duty; nomination to be subject to approval of Magistrate; and (19) in default of nomination, Magistrate to appoint; and (20) defines the duty of village watchman, &c.

VI.—Miscellaneous, 21—23.

21. Empowers the Local Government to make rules under the Act.

22—23. Empowers the N. W. and Punjab Governments and Government of India to extend the Act, &c., subject to prescribed limitations; and (23) from date of extension all inconsistent rules to cease.

Preamble.

WHEREAS it is expedient to make further provision for the maintenance of the Rural Police in the North-Western Provinces of the presidency of Fort William and to define the law relating to the appointment and duties of village watchmen in those provinces; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

I. This Act may be called "The Rural Police (North-Western Provinces) Act."

Repeal of Acts.

II. Act No. II of 1865 *(to provide for the maintenance of the Rural Police in the territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere)* and Act No. II of 1866 *(to amend Act No. II of* 1865*)*, are hereby repealed.

Extent of Act.

III. This Act extends to every District in which Act No. II of 1865 was in force immediately before the passing hereof.

II.—TAXES.

Taxes leviable under this Act.

IV. Three kinds of taxes shall be leviable under this Act (that is to say), 1°, a House Tax; 2°, an Estate Tax; and 3°, a Tax on Muáfidárs, Sub-proprietors, and Nazránádárs.

1°.—*The House Tax.*

Power to assess house-tax.

V. The proprietor of every Muáfí, Nazráná, or other estate situate in any District to which this Act applies shall have power to assess and collect in each year from the occupant of every house on such estate, a sum not exceeding one rupee.

The Collector of the District shall have power to determine what shall, for the purposes of this section, be held to be a house.

Time of paying house-tax.

VI. All sums assessed under section five shall be payable in advance for the revenue year next after the assessment, at the time when the first instalment of rents is ordinarily payable in that year for lands comprised in or adjacent to such estate.

Recovery of house-tax.

VII. All sums so assessed shall be recoverable as if they were rent of land:

Provided that no person shall be liable to be ejected from any house in his occupation for non-payment of any such sum.

Petition against assessment.

VIII. Any person assessed under section five, and unable to pay the amount of the assessment, may present a petition on unstamped paper to the Collector of the District, and such Collector may, if he thinks fit, remit wholly or in part the said assessment.

Complaints of illegal collection.

All complaints of illegal collection under section five shall be cognizable by the Collectors of Land Revenue; and the provisions contained in Act No. X of 1859 *(to amend the Law relating to the recovery of rent in the presidency of Bengal)*, section twenty-three, as to institution, trial, and appeal, shall apply to complaints under this section.

2°.—*The Estate Tax.*

Power to Collector to assess estate of proprietor failing to make sufficient assessment.

IX. If, in any year, any such proprietor fails altogether to assess the sum mentioned in section five, or assesses under section five a sum which, in the opinion of the Collector of the District wherein the proprietor's estate is situate, is inadequate, it shall be lawful for such Collector to assess upon such estate a sum payable yearly by the proprietor thereof for the time being and not exceeding in any year the amount which might have been assessed in the same year under the same section on the occupants of the houses in such estate, less ten per centum.

X. It shall be lawful for the Collector, or for any officer making a settlement of land-revenue, to assess upon any Muáfí, Nazráná, or other estate situate in any District to which this Act applies, a sum to be paid yearly by the proprietor thereof for the time being not exceeding the aggregate amount of the sums payable in respect of such estate or by the occupants of the houses thereon under sections five and nine, less ten per centum.

Power to assess estates.

Such assessment shall be in addition to the municipal cess or percentage (if any) levied for the maintenance of Rural Police on the land-revenue payable in respect of such estate.

XI. The sum assessable under section ten may from time to time, with the sanction of the Local Government, be altered by the Collector or officer aforesaid.

Alteration of assessment.

3°.—*The Tax on Muáfídárs, Sub-proprietors, and Nazránádárs.*

XII. Besides the assessments made under section ten, it shall be lawful for the Collector or for any such officer as aforesaid, to levy in the case of any Muáfí or Nazráná estate upon the Muáfídárs, or (where a sub-settlement has been made) on the Sub-proprietors, or on the Nazránádárs, a municipal cess on the estimated jama at the same rate as the estate would have been charged with, had it not been held under a Muáfí or Nazráná title.

Power to levy cess on Muáfídárs, Sub-proprietors, and Nazránádárs.

XIII. The Local Government may from time to time prescribe, by notification in the official Gazette, by what instalments and at what times the assessments payable under sections ten and twelve shall be paid, and all sums assessed under either of those sections shall be recoverable as if they were arrears of revenue.

Mode and time of paying assessments.

III.—Application of Taxes.

XIV. Subject to the orders of the Local Government, all taxes levied under this Act in any District shall, in the first instance, be applied to the

Application of taxes levied under this Act.

maintenance of the Village Police in such District, and for the purpose of this Section, 'maintenance' shall be deemed to include their wages, the price of all necessaries and accoutrements supplied to them, rewards, and other incidental expenses.

The surplus (if any) may be applied by the Local Government, at its discretion, to the sanitary improvement of the District, or to any other useful purpose therein.

IV.—Accounts of Taxes.

XV. Accounts of the taxes levied under this Act and of the application thereof shall be kept by such persons and in such form, and shall be furnished at such times and to such officers as the Local Government shall, by rules to be published in the official Gazette, from time to time, prescribe.

Accounts to be kept.

XVI. Such accounts shall be open to public inspection at all reasonable times without the payment of any fee.

Accounts to be open to public.

XVII. Any proprietor failing to comply with any rule made under section fifteen, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, and every such fine shall when recovered be applied for the purposes of this Act in the District where it is imposed.

Failure to keep or furnish accounts.

V.—Village Watchmen.

XVIII. Every person authorized to nominate a person to the office of village watchman shall, within fifteen days after the occurrence of a vacancy in the office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the District.

Nomination of village watchmen.

The person so nominated shall, after due enquiry into his age, character, and ability, be appointed or rejected by such Magistrate at his discretion, or by some officer authorized by him in that behalf.

Appointment or rejection of nominee.

Failure to appoint.

XIX. In default of such nomination within the said fifteen days, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate a a person to the office of village watchman shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made but the nominee is rejected, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

Duties of village watchmen.

XX. Any village watchman appointed under this Act shall be liable to perform within the limits of his village, and in addition to his other duties, all or any of the duties imposed on Police Officers by Act No. V of 1861 *(for the regulation of Police)*; and for any neglect or disobedience in his official capacity, he shall be liable to the penalties which he would have incurred had he been a Police Officer subject to the provisions of that Act and guilty of neglect or disobedience as the case might be.

VI.—Miscellaneous.

Power to make rules.

XXI. The Local Government may, from time to time, make rules, consistent with this Act, for the guidance of officers in all matters connected with its enforcement.

All such rules shall be published in the local official Gazette.

Power to extend Act.

XXII. The Lieutenant-Governor of the North-Western Provinces and the Lieutenant-Governor of the Punjáb may respectively, by notification in the local Gazette, extend this Act to any part of the territories for the time being under their respective governments; and the Governor-General of India in Council may, by notification in the *Gazette of India*, extend this Act to any province for the time

being under the immediate administration of the Government of India:

Provided that this Act shall have no operation in any village to which Act No. XX of 1856 *(to make better provision for the appointment and maintenance of Police Chaukídárs in cities, towns, stations, suburbs, and bázárs in the presidency of Fort William in Bengal)*, or Act No. VI of 1868 *(to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes)*, or any other special municipal law shall have been extended, so long as such Act or law continues in force in such village.

Repeal of inconsistent rules.

XXIII. From the date of any such extension of this Act, so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with any provision of this Act, shall cease to have effect therein.

THE INDIAN DIVORCE ACT, 1869.

ACT No. IV OF 1869.

(Received the assent of the Governor-General on the 26th February 1869.)

An Act to amend the law relating to Divorce and Matrimonial Causes in India.

Recites the expediency of amending the law relating to the divorce of persons professing the Christian religion, and to confer on certain Courts jurisdiction in matters matrimonial.

I.—Preliminary, 1—3.

1—3. Names the Act as above; (2) defines the places and persons to whom the Act shall apply; and (3) interprets the words "High Court," "District Judge," "District Court," "Court," "Minor Children," "Incestuous adultery," "Bigamy with adultery," "Marriage with another woman," "Desertion," "Property."

II.—Jurisdiction, 4—9.

4—6. Existing jurisdiction of High Courts in respect of divorce *a mensâ et toro* and in all other matters matrimonial, to be exercised subject to the provisions of this Act, &c.; and (5) decrees, &c., of late Supreme Courts on ecclesiastical side, &c., to be enforced, &c., as under this Act; and (6) pending suits to be decided as if they were instituted under this Act.

7. Subject to the provisions of this Act, in suits, &c., under this Act, relief, &c., to be given conformably with the rules and principles of Divorce Court in England.

8. Empowers High Court to remove causes from District Court, &c.

9. Provides for reference to High Court of questions of law, &c., arising in District Court.

III.—Dissolution of Marriage, 10—17.

10—14. Directs mode of procedure to obtain dissolution of marriage, and on what grounds; and (11) directs that the alleged adulterer shall be co-respondent, except in specified cases, which must be stated as excuse; and (12) directs the Court to make specified enquiries; and (13) on what grounds the Court shall dismiss the suit; and (14) in what case and on what finding the Court shall pronounce for the dissolution of the marriage; and nothing but continued or resumed co-habitation shall be deemed condonation of adultery.

15. On specified grounds of opposition, Court may give some relief as if such grounds were basis of a suit.

16—17. In suits in District Courts, decree for dissolution to be decree *nisi* for six months, during which period counter-proceedings may be taken; and (17) such decrees in all cases to require confirmation of High Court, and directs what enquiry may be made on hearing of decree.

IV.—Nullity of Marriage, 18—21.

18—21. Gives the right to husband or wife, by petition, to pray for decree of nullity of marriage, on (19) four specified grounds; and (20) decree if by District Court to be subject to confirmation by High Court; and (21) preserves to children the succession belonging to legitimacy of birth in specified cases.

V.—Judicial Separation, 22—26.

22—23. No more decrees to be made for divorce *a mensâ et toro*, but decree shall be for judicial separation, on what grounds and with what effect;

and (23) application for such decree may be made by husband or wife, by petition.

24—25. After separation, wife to be considered as an unmarried woman in respect of after acquired property; and (25) as to rights of contract and redress for civil wrongs, &c.

26. Provides for reversal of decree of separation in specified cases when made in absence of opposite party.

VI.—Protection Orders, 27—31.

27—31. Provides for protection of wife to whom the Indian Succession Act (section 4) does not apply, on (28) specified grounds, subject (29) to variation in the order at the instance of husband or creditors in specified case; and (30) provides a remedy for wife in case of illegal seizure of her property after notice, &c.; and (31) such protection orders to have same effect as decree for judicial separation.

VII.—Restitution of Conjugal Rights, 32—33.

32—33. Entitles husband or wife to petition for restitution of conjugal rights; and (33) limits opposition to such petition to grounds which would be sufficient in a suit for judicial separation, &c.

VIII.—Damages and Costs, 34—35.

34—35. Entitles husband to petition for damages, and directs the Court how to proceed, &c.; and (35) how with respect to costs.

IX.—Alimony, 36—38.

36—38. Entitles the wife to petition for alimony pending the suit, and limits the amount, &c.; and (37) gives the High Court power to order alimony in various specified ways; and (38) its payment either to wife or trustee.

X.—Settlements, 39—40.

39—40. Empowers the Court on decree of dissolution, &c., to order settlement of wife's property, to specified uses, &c.; and (40) to enquire into the existence of ante-nuptial and post-nuptial settlements, and to make order respecting the same, but not at expense of children.

XI.—Custody of Children, 41—44.

41—44. Empowers the Court before decree, or (42) after decree, to make orders with respect to the custody, education, and maintenance of children; also (43) empowers High Court, in suits for dissolution and nullity of marriage, to make such orders *ad interim*; and (44) may make like orders on petition after decree.

XII.—Procedure, 45—56.

45—47. Subject to provisions in this Act, proceedings to be according to the Code of Civil Procedure, and (46) with scheduled forms; and (47) petitions to bear specified stamp, and contain what statements, &c.

48—49. Provides for suits on behalf of lunatics, and (49) by minors.

50—52. Provides for service of petition; (51) for mode of taking evidence; and (52) makes husband and wife compellable to give evidence in suit of wife for dissolution of marriage on ground of adultery, &c.

53—54. Empowers the Court to sit with closed doors, and (54) to adjourn hearing, &c.

55. Extends to proceedings under this Act the general law respecting enforcement of decrees, &c., and appeals, but no appeal to be for costs only.

56. Gives an appeal to Her Majesty in Council on all final orders against which there is no appeal to the High Court, if the High Court declares the case a fit one for appeal to Her Majesty.

XIII.—Remarriage, 57—59.

57—59. Defines the cases in which, and time when, after decree parties may re-marry; but (58) no clergyman of the Church of England in Holy Orders shall be compellable to solemnize marriage of any person divorced for adultery, &c.; but (59) such clergyman shall permit use of his Church for the purpose by any other clergyman.

XIV.—Miscellaneous, 60—62.

60. Makes valid in favor of persons dealing with the wife all orders until reversed.

61. Abolishes the suit for criminal conversations with the wife, after Act comes into operation.

62. Empowers the Court to make rules and orders under the Act.

SCHEDULE OF FORMS.

1.—Petition by husband for dissolution and damages, &c. No. 2.—Respondent's answer to No. 1. No. 3.—Co-respondent's answer to No. 1. No. 4.—Petition for decree of nullity of marriage. No. 5.—Petition by wife for judicial separation. No. 6.—Answer to No. 5. No. 7.—Reply to No. 6. No. 8.—Petition for judicial separation by reason of cruelty. No. 9.—Answer to No. 8. No. 10.—Petition for reversal of decree of separation. No. 11.—Petition for protection order. No. 12.—Petition for alimony. No. 13.—Answer to No. 12. No. 14.—Undertaking for costs by minor's next friend.

Preamble.

WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon certain Courts jurisdiction in matters matrimonial; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

Commencement of Act.

I. This Act may be called "The Indian Divorce Act," and shall come into operation on the first day of April 1869.

Extent of Act.

II. This Act shall extend to the whole of British India, and (so far only as regards British subjects within the dominions hereinafter mentioned) to the dominions of Princes and States in India in alliance with Her Majesty.

Extent of power to grant relief generally.

Nothing hereinafter contained shall authorize any Court to grant any relief under this Act, except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition;

And to make decrees of dissolution.

or to make decrees of dissolution of marriage except in the following cases:—(*a*) where the marriage shall have been solemnized in India; or (*b*) where the adultery, rape, or unnatural crime complained of shall have been committed in India; or (*c*) where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion;

or to make decrees of nullity of marriage except in cases

Or of nullity.

where the marriage has been solemnized in India.

Interpretation-clause.

III. In this Act, unless there be something repugnant in the subject or context—

"High Court."

(1.) "High Court" means in any Regulation Province the Court there established under the Act of the twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four,

in the territories for the time being subject to the government of the Lieutenant-Governor of the Punjab, the Chief Court of the Punjáb,

in British Burma, the High Court of Judicature at Fort William in Bengal,

and in any other Non-Regulation Province and in any place in the dominions of the Princes and States of India in alliance with Her Majesty, the High Court or Chief Court to whose original criminal jurisdiction the petitioner is for the time being subject, or would be subject if he or she were a European British subject of Her Majesty:

In the case of any petition under this Act, 'High Court' is that one of the aforesaid Courts within the local limits of whose ordinary appellate jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

"District Judge."

(2.) "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

in the Non-Regulation Provinces, other than British Burma and Sind, a Commissioner of a Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Maulmain,

in Sind, the Judicial Commissioner in that province,

and in any place in the dominions of the Princes and States aforesaid, such officer as the Governor-General of India in Council shall from time to time appoint in this behalf by notification in the *Gazette of India*, and, in the absence of such officer, the

High Court in the exercise of its original jurisdiction under this Act:

"District Court." (3.) "District Court" means, in the case of any petition under this Act, the Court of the District Judge within the local limits of whose ordinary jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

"Court." (4.) "Court" means the High Court or the District Court, as the case may be:

"Minor children." (5.) "Minor children" means, in the case of sons of Native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Native fathers, girls who have not completed the age of thirteen years: In other cases it means unmarried children who have not completed the age of eighteen years:

"Incestuous adultery." (6.) "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

"Bigamy with adultery." (7.) "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

"Marriage with another woman." (8.) "Marriage with another woman" means marriage of any person, being married, to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere:

"Desertion." (9.) "Desertion" implies an abandonment against the wish of the person charging it: and

"Property." (10.) "Property" includes in the case of a wife any property to which she is entitled for an estate in remainder or reversion or as a trustee, executrix, or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

II.—Jurisdiction.

IV. The jurisdiction now exercised by the High Courts in respect of divorce *a mensâ et toro*, and in all other causes, suits, and matters matrimonial, shall be exercised by such Courts and by the District Courts subject to the provisions in this Act contained, and not otherwise: except so far as relates to the granting of marriage-licenses, which may be granted as if this Act had not been passed.

Matrimonial jurisdiction of High Courts to be exercised subject to this Act.

Exception.

V. Any decree or order of the late Supreme Court of Judicature at Calcutta, Madras, or Bombay sitting on the ecclesiastical side, or of any of the said High Courts sitting in the exercise of their matrimonial jurisdiction, respectively, in any cause or matter matrimonial, may be enforced and dealt with by the said High Courts, respectively, as hereinafter mentioned, in like manner as if such decree or order had been originally made under this Act by the Court so enforcing or dealing with the same.

Enforcement of decrees or orders made heretofore by any Supreme or High Court.

VI. All suits and proceedings in causes and matters matrimonial, which when this Act comes into operation are pending in any High Court, shall be dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

Pending suits.

VII. Subject to the provisions contained in this Act, the High Courts and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief.

Court to act on principles of English Divorce Court.

VIII. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding

Extraordinary jurisdiction of High Court.

instituted under this Act in the Court of any District Judge within the limits of its jurisdiction under this Act.

Power to transfer suits.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

Reference to High Courts.

IX. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference, and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

III.—Dissolution of Marriage.

When husband may petition for dissolution.

X. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

When wife may petition for a dissolution.

Any wife may present a petition to the District Court or to the High Court, praying that her marriage may be dissolved on the ground that, since the solemnization thereof, her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman;

or has been guilty of incestuous adultery,

or of bigamy with adultery,

or of marriage with another woman with adultery,

or of rape, sodomy, or bestiality,

or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*,

or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

Contents of petition.

XI. Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court:—

Adulterer to be a co-respondent.

(1.)—That the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed.

(2.)—That the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it.

(3.)—That the alleged adulterer is dead.

XII. Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also enquire into any countercharge which may be made against the petitioner.

Court to be satisfied of absence of collusion.

XIII. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed,

Dismissal of petition.

or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

Power to Court to pronounce decree for dissolving marriage.

XIV. In case the Court is satisfied on the evidence that the case of the petitioner has been proved, and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections sixteen and seventeen made and declared:

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery,

or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition,

or of cruelty towards the other party to the marriage,

or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse,

or of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

Condonation.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal co-habitation has been resumed or continued.

Relief in case of opposition on certain grounds.

XV. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty, or

desertion without reasonable excuse, or, in case of such a suit instituted by a wife, on the ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

Decrees for dissolution to be *nisi*.

XVI. Every decree for a dissolution of marriage made by a High Court not being a confirmation of a decree of a District Court, shall, in the first instance, be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court, by general or special order from time to time, directs.

Collusion.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may demand.

The High Court may order the costs of Counsel and witnesses and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree *nisi* has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

Confirmation of decree for dissolution by District Judge.

XVII. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for dissolution of marriage shall be heard (where the number of the Judges of the High Court is three or upwards) by a Court composed of three such

Judges, and in case of difference the opinion of the majority shall prevail, or (where the number of the Judges of the High Court is two) by a Court composed of such two Judges, and in case of difference the opinion of the Senior Judge shall prevail.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made, or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make an order confirming the decree for dissolution of marriage, or such other order as to the Court seems fit.

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section eight, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in section sixteen shall apply to every suit so removed: or it may direct the District Judge to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

IV.—Nullity of Marriage.

Petition for decree of nullity.

XVIII. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void.

Grounds of decree.

XIX. Such decree may be made on any of the following grounds :—

(1.)—That the respondent was impotent at the time of the marriage and at the time of the institution of the suit ;

(2.)—That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity ;

(3.)—That either party was a lunatic or idiot at the time of the marriage ;

(4.)—That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

Confirmation of District Judge's decree.

XX. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section seventeen, clauses one, two, three, and four, shall, *mutatis mutandis*, apply to such decrees.

Children of annulled marriage.

XXI. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.—Judicial Separation.

No decree for divorce *a mensâ et toro* to be made.

Decree of judicial separation obtainable by husband or wife.

XXII. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall

have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

Application for separation made by petition.

XXIII. Application for judicial separation on any one of the grounds aforesaid, may be made by either husband or wife by petition to the District Court or the High Court; and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

Separated wife to be deemed a spinster with respect to after-acquired property.

XXIV. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead:

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

Separated wife to be deemed a spinster for purposes of contract and suing.

XXV. In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any contract, act, or costs entered into, done, omitted, or incurred by her during the separation:

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessaries supplied for her use.

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any join power given to herself and her husband.

Reversal of Decree of Separation.

XXVI. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

Decree of separation obtained during the absence of husband or wife may be reversed.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the sentence of separation and of the reversal thereof.

VI.—Protection Orders.

XXVII. Any wife to whom the fourth section of the Indian Succession Act, 1865, does not apply, may, when deserted by her husband, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

Deserted wife may apply to the Court for protection.

XXVIII. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion com-

Court may grant protection-order.

menced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

Discharge or variation of orders.

XXIX. The husband or any creditor of, or person claiming under, him may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

Liability of husband seizing his wife's property after notice of order.

XXX. If the husband or any creditor of, or person claiming under, the husband seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

Wife's legal position during continuance of order.

XXXI. So long as any such order of protection remains in force, the wife shall be, and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.—Restitution of Conjugal Rights.

Petition for restitution of conjugal rights.

XXXII. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

Answer to petition.

XXXIII. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights, which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII.—Damages and Costs.

XXXIV. Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court or the High Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Husband may claim damages from adulterer.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

XXXV. Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Power to order adulterer to pay costs.

Provided that the co-respondent shall not be ordered to pay the petitioner's costs

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Whenever any application is made under section seventeen, the Court, if it thinks that the applicant had no grounds or no sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

Power to order litigious intervenor to pay costs.

IX.—Alimony.

XXXVI. In any suit under this Act, whether it be instituted by a husband or a wife, and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Alimony *pendente lite.*

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

Power to order permanent alimony.

XXXVII. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

Power to order monthly or weekly payments.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

Court may direct payment of alimony to wife or to her trustee.

XXXVIII. In all cases in which the Court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by

the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X.—Settlements.

XXXIX. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Power to order settlement of wife's property for benefit of husband and children.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

Settlement of damages.

XL. The High Court, after a decree absolute for dissolution of marriage, or a decree of nullity of marriage,

Inquiry into existence of ante-nuptial or post-nuptial settlements.

and the District Court, after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI.—Custody of Children.

XLI. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance, and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

Power to make orders as to custody of children in suit for separation.

XLII. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance, and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Power to make such orders after decree.

XLIII. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree,

Power to make orders as to custody of children in suits for dissolution or nullity.

and in any such suit instituted in a District Court, the Court may from time to time, before its decree is confirmed, make such interim orders and may make such provision on such confirmation,

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance, and education of the minor children, the marriage of whose parents is the subject of the suit;

and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

Power to make such orders after decree or confirmation.

XLIV. The High Court after a decree absolute for dissolution of marriage or a decree of nullity of marriage,

and the District Court after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance, and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

XII.—Procedure.

XLV. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

Code of Civil Procedure to apply.

XLVI. The forms set forth in the schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

Forms of petitions and statements.

XLVII. Every petition under this Act for a decree of dissolution of marriage, or of nullity of marriage, or of judicial separation, or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees, and shall, in the first, second, and third cases mentioned in this section, state that there is not any collusion or connivance between the petitioner and the other party to the marriage.

Stamp on petition.

Petition to state absence of collusion.

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

Statements to be verified.

XLVIII. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be

Suits on behalf of lunatics.

brought on his or her behalf by the committee or other person entitled to his or her custody.

Suits by minors.

XLIX. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Such undertaking shall bear a stamp of eight annas and shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

Service of petition.

L. Every petition under this Act shall be served on the party to be affected thereby, either within or without British India, in such manner as the High Court by general or special order from time to time directs:

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

Mode of taking evidence.

LI. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined, and re-examined, like any other witness:

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

Competence of husband and wife to give evidence as to cruelty or desertion.

LII. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

Power to close doors.

LIII. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

Power to adjourn.

LIV. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do.

Enforcement of and appeals from orders and decrees.

LV. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from, in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from, under the laws, rules, and orders for the time being in force :

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage : nor from the order of the High Court confirming or refusing to confirm such decree :

No appeal as to costs.

Provided also that there shall be no appeal on the subject of costs only.

Appeal to Queen in Council.

LVI. Any person may appeal to Her Majesty in Council from any decree (other than a decree *nisi*) or order under this Act of a High Court made on appeal or otherwise,

and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of a High Court or of any Division Court from which an appeal shall not lie to the High Court,

when the High Court declares that the case is a fit one for appeal to Her Majesty in Council.

XIII.—Remarriage.

Liberty to parties to marry again.

LVII. When six months after the date of an order of a High Court confirming the decree for a dissolution of marriage made by a District Judge have expired,

or when six months after the date of any decree of a High Court dissolving a marriage have expired, and no appeal has been

presented against such decree to the High Court in its appellate jurisdiction,

or when any such appeal has been dismissed,

or when in the result of any such appeal any marriage is declared to be dissolved,

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death:

Provided that no appeal to Her Majesty in Council has been presented against any such order or decree.

When such appeal has been dismissed, or when in the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again as if the prior marriage had been dissolved by death.

English clergyman not compelled to solemnize marriages of persons divorced for adultery.

LVIII. No clergyman in Holy Orders of the United Church of England and Ireland shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty, or censure for solemnizing or refusing to solemnize the marriage of any such person.

English Minister refusing to perform ceremony to permit use of his church.

LIX. When any Minister of any Church or Chapel of the said United Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

XIV.—Miscellaneous.

Decree for separation or protection-order to be valid as to persons dealing with wife before reversal.

LX. Every decree for judicial separation or order to protect property, obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary, for the protection of any person dealing with the wife.

No reversal, discharge, or variation of such decree or order shall affect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order, and of the reversal, discharge, or variation thereof.

Indemnity of persons making payment to wife without notice of reversal of decree or protection-order.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged, or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer, or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued, unless, at the time of the payment, transfer, or other act, such persons had notice of the reversal, discharge, or variation of the decree or order or of the cessation or discontinuance ot the separation.

Bar of suit for criminal conversation.

LXI. After this Act comes into operation, no person competent to present a petition under sections two and ten shall maintain a suit for criminal conversation with his wife.

Power to make rules.

LXII. The High Court shall make such rules under this Act as it may from time to time consider expedient, and may from time to time alter and add to the same:

Provided that such rules, alterations, and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules, alterations, and additions shall be published in the local official Gazette.

SCHEDULE OF FORMS.

No. 1.—PETITION *by husband for a dissolution of marriage with damages against co-respondent by reason of adultery.*

(See sections 10 *and* 34.*)*

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *A. B.* of

SHEWETH,

1. That your petitioner was on the day of , one thousand eight hundred and , lawfully married to *C. B.*, then *C. D.*, spinster at . (*a*)

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at , in , and that your petitioner and his said wife have had issue of their said marriage, *five* children, of whom *two* sons only survive, aged respectively *twelve* and *fourteen* years.

3. That during the *three* years immediately preceding the day of one thousand eight hundred and , *X. Y.* was constantly, with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said *C. B.* in your petitioner's said house committed adultery with the said *X. Y.*

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said *X. Y.* do pay the sum of rupees 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) *A. B.* (*b*)

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—*Respondent's statement in answer to No.* 1.

In the Court of the day of

Between *A. B.*, petitioner,

C. B., respondent, and

X. Y., co-respondent.

(*a*) If the marriage was solemnized out of India, the adultery must be shewn to have been committed in India.

(*b*) The petition must be signed by the petitioner.

C. B., the respondent, by *D. E.* her attorney [*or* vakíl], in answer to the petition of *A. B.* says that she denies that she has on divers or any occasions committed adultery with *X. Y.*, as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

(Signed) *C. B.*

No. 3.—*Co-respondent's statement in answer to No.* 1.

In the (High) Court of

The day of

Between *A. B.*, petitioner,
C B., respondent, and
X. Y., co-respondent.

X. Y., the co-respondent, in answer to the petition filed in this cause, saith that he denies that he committed adultery with the said *C. B.* as alleged in the said petition.

Wherefore the said *X. Y.* prays that this (Hon'ble) Court will reject the prayer of the said petitioner, and order him to pay the costs of and incident to the said petition.

(Signed) *X. Y.*

No. 4.—PETITION *for Decree of Nullity of Marriage.*

(See section 18.*)*

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of , 186 .

The petition of *A. B.*, falsely called *A. D.*,

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to *C. D.*, then a bachelor of about thirty years of age, at [*some place in India*].

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said *C. D.*, at divers places, and particularly at aforesaid.

3. That the said *C. D.* has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said *C. D.* was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said *C. D.* with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void.

(Signed) *A. B.*

Form of Verification: See No. 1.

No. 5.—PETITION *by wife for judicial separation on the ground of her husband's adultery.*

(See section 22.*)*

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *C. B.*, of , the wife of *A. B.*,

SHEWETH,

1. That on the day of , one thousand eight hundred and *sixty* your petitioner, then *C. D.*, was lawfully married to *A. B.*, at the Church of , in the

2. That after her said marriage, your petitioner cohabited with the said *A. B.* at and at , and that your petitioner and her said husband have issue living of their said marriage, *three* children, to wit, &c., &c. (*a.*)

3. That on divers occasions in or about the months of *August, September,* and *October*, one thousand eight hundred and *sixty* , the said *A. B.*, at , aforesaid, committed adultery with *E. F.*, who was then living in the service of the said *A. B.* and your petitioner at their said residence aforesaid.

4. That on divers occasions in the months of *October, November,* and *December*, one thousand eight hundred and *sixty* , the said *A. B.* at aforesaid, committed adultery with *G. H.*, who was then living in the service of the said *A. B.* and your petitioner at their said residence aforesaid.

5. That no collusion or connivance exists between your petitioner and the said *A. B.* with respect to the subject of the present suit.

Your petitioner therefore prays that this (Hon'ble) Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) *C. B.* (*b.*)

Form of Verification: See No. 1.

(*a.*)—State the respective ages of the children.
(*b.*)—The petition must be signed by the petitioner.

No. 6.—*Statement in answer to No.* 5.

In the (High) Court of

B. against *B.*

The day of

The respondent, *A. B.*, by *W. Y.*, his attorney [*or* vakíl], saith,—

1. That he denies that he committed adultery with *E. F.*, as in the third paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with *E. F.*, if any.

3. That he denies that he committed adultery with *G. H.*, as in the fourth paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with *G. H.*, if any.

Wherefore this respondent prays that this (Hon'ble) Court will reject the prayer of the said petition.

(Signed) *A. B.*

No. 7.—*Statement in reply to No.* 6.

In the (High) Court of

B. against *B.*

The day of

The petitioner, *C. B.*, by her attorney [*or* vakíl], says—

1. That she denies that she condoned the said adultery of the respondent with *E. F.* as in the second paragraph of the statement in answer alleged.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery of the respondent with *G. H.* as set forth in the fourth paragraph of the petition.

(Signed) *C. B.*

No. 8.—PETITION *for a judicial separation by reason of cruelty.*

(See section 22.*)*

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *A. B.* (wife of *C. B.*) of

SHEWETH,

1. That on the day of , one thousand eight hundred and your petitioner, then *A. D.*, spinster, was lawfully married to *C. B.*, at .

2. That from her said marriage, your petitioner lived and cohabited with her said husband at until the day of , one thousand eight hundred and , when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said *C. B.* habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of one thousand eight hundred and , the said *C. B.* in the highway and opposite to the house in which your petitioner and the said *C. B.* were then residing at aforesaid, endeavoured to knock your petitioner down, and was only prevented from so doing by the interference of *F. D.*, your petitioner's brother.

5. That subsequently on the same evening, the said *C. B.* in his said house at aforesaid, struck your petitioner with his clenched fist a violent blow on her face.

6. That on one Friday night in the month of one thousand eight hundred and , the said *C. B.*, in , without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the day of , one thousand eight hundred and , your petitioner, by reason of the great and continued cruelty practised towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at : that from and after the said day of , one thousand eight hundred and , your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said *C. B.*, and also order that the said *C. B.* do pay the costs of and incident to these proceedings.

(Signed) *A. B.*

Form of Verification: See No. 1.

No. 9.—*Statement in answer to No.* 8.

In the (High) Court of

The day of

Between *A. B.*, petitioner, and

C. B., respondent.

C. B., the respondent, in answer to the petition filed in this cause by *W. J.* his attorney [*or* vakíl], saith that he denies that he has been guilty of cruelty towards the said *A. B.*, as alleged in the said petition.

(Signed) *C. B.*

No. 10.—PETITION *for reversal of decree of separation.*

(See section 24.*)*

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *A. B.*, of

SHEWETH,

1. That your petitioner was on the day of lawfully married to .

2. That on the day of , this (Hon'ble) Court at the petition of , pronounced a decree affecting the petitioner to the effect following, to wit,—

[*Here set out the decree.*]

3. That such decree was obtained in the absence of your petitioner, who was then residing at

[*State facts tending to show that the petitioner did not know of the proceedings; and, further, that had he known he might have offered a sufficient defence.*]

or

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife

[*Here state any legal grounds justifying the petitioner's separation from his wife.*]

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

(Signed) *A. B.*

Form of Verification: See No. 1.

No. 11.—PETITION *for Protection-order.*

(See section 27.*)*

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *C. B.*, of the wife of *A. B.*

SHEWETH,

That on the day of she was lawfully married to *A. B.*, at .

That she lived and cohabited with the said *A. B.* for years at , and also at , and hath had children, issue of her said marriage, of

whom are now living with the applicant, and wholly dependent upon her earnings.

That on or about , the said *A. B.*, without any reasonable cause, deserted the applicant, and hath ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant hath maintained herself by her own industry [*or* on her own property, *as the case may be*], and hath thereby and otherwise acquired certain property consisting of [*here state generally the nature of the property*].

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said *A. B.*, and from all creditors and persons claiming under him.

(Signed) *C. B.*

No. 12.—PETITION *for alimony pending the suit.*

(See section 36.*)*

In the (High) Court of

B. against *B.*

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *C. B.*, the lawful wife of *A. B.*,

SHEWETH,

1. That the said *A. B.* has for some years carried on the business of , at , and from such business derives the nett annual income of from Rs. 4,000 to 5,000.

2. That the said *A. B.* is possessed of plate, furniture, linen, and other effects at his said house aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said *A. B.* is entitled, under the will of his father, subject to the life-interest of his mother therein, to property of the value of Rs. 5,000 or some other considerable amount (*a*).

Your petitioner, therefore, prays, that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) *C. B.*

Form of Verification: See No. 1.

(*a*.)—The petitioner should state her husband's income as accurately as possible.

No. 13.—*Statement in answer to No.* 12.

In the (High) Court of

B. against *B.*

A. B. of , the above-named respondent, in answer to the petition of alimony, pending the suit of *C. B.*, says—

1. In answer to the first paragraph of the said petition, I say that I have for the last *three* years carried on the business of , at , and that, from such business, I have derived a nett annual income of Rs. 900, but less than Rs. 1,000.

2. In answer to the second paragraph of the said petition, I say that I am possessed of plate, furniture, linen, and other chattels and effects at my said house aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture, and other chattels and effects of the value of Rs. 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own monies. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life-interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000, the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the day of last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that, when my wife left my dwelling-house on the day of last, she took with her, and has ever since withheld and still withholds from me, plate, watches, and other effects in the second paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least: and I also say that, within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. , and that she has ever since withheld and still withholds from me the same sum.

(Signed) *A. B.*

No. 14.—UNDERTAKING *by minor's next friend to be answerable for respondent's costs.*

(See section 49.*)*

In the (High) Court of

I, the undersigned *A. B.*, of being the next friend of *C. D.*, who is a minor, and who is desirous of filing a petition in this Court, under the Indian Divorce Act, against *D. D.* of , hereby undertake to be responsible for the costs of the said *D. D.* in such suit, and that, if the said *C. D.* fail to pay to the said *D. D.* when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him [*or* her] to pay to the said *D. D.*, I will forthwith pay the same to the proper officer of this Court.

Dated this day of 186 .

(Signed) *A. B.*

THE INDIAN ARTICLES OF WAR.

ACT No. V OF 1869.

(Received the assent of the Governor-General on the 26th February 1869.*)*

An Act to consolidate and amend the Articles of War for the government of Her Majesty's Native Indian Forces.

Recites the expediency of consolidating and amending the Articles of War for the government of the Native Officers, Soldiers, &c., of the Indian Army.

PART I.

(*a.*) Entitles the Act as above; (*b*) puts it in operation from 1st June; (*c*) repeals Acts XXV. 1857, section 1; XXIX. 1861; V. 1863; and XXVI. 1865; extends this Act to past offences not yet brought to trial; (*d*) designates the classes to whom these Articles shall apply, but saves from their operation British-born subjects, their children, &c.; (*e*) interprets the words "Army," "Commissioned Officer," "European Officer," "Commanding Officer" or "Officer Commanding," "Judge Advocate," "Court Martial," "Soldier," "Attested," "Deserter," "Government," and extends the definitions of the Indian Penal Code to the words "Assault," "Criminal Force," "Dishonestly," "Extortion," "Fraudulently," "Grievous Hurt," "Hurt," "Voluntarily causing Hurt" and "Grievous Hurt;" Reason to believe," "Wrongful Gain or Loss," &c.; (*f*) saving certain specified Regulations.

PART II. THE ARTICLES OF WAR.

CHAPTER I.—*Of Enlistment.* CHAPTER II.—*Dismissal.*

ARTICLES 1—6. Specified Articles to be read to recruit before enrolment; recruit to be affirmed to what and when, and (2) attested, &c., and specified Articles to be read at time of attestation; (3) as to dismissal of Commissioned Officers; (4) of other persons; (5) of attested persons re-enlisting after dismissal; and (6) as to certificate of dismissal.

TITLE II. OF MILITARY OFFENCES.

CHAPTER I.—*Crimes punishable with Death or Transportation,* 7—24.

ARTICLES 7—23. As to mutiny and sedition; (8) violence to superior officer; (9) disobedience to commands of superior officer; (10) desertion; (11) re-enlistment in another regiment without previous discharge, &c.; (12) sleeping on or quitting post in time of war; (13) sentry plundering, &c., property under his charge; (14) shamefully abandoning any garrison, &c.; (15) treacherously betraying watch-word, &c.; (16) holding correspondence with enemy, &c.; (17) assisting enemy; (18) releasing prisoners; (19) misbehaviour in presence of an enemy; (20) in time of action going in search of plunder; (21) quitting guard, &c., in time of war; (22) in time of war, &c., assaulting persons bringing provisions, &c.; (23) causing false alarm in time of war.

24. Punishments for foregoing offences.

CHAPTER II.—*Of Crimes punishable otherwise than with Death or Transportation,* 25—53.

ARTICLES 25—52. As to unbecoming behaviour of specified classes of persons; (26) as to intoxication on duty; (27) striking a sentry; (28) knowingly harbouring or (29) enlisting a deserter; (30) as to absence without leave; and (31) failure to re-join on notice, &c.; or (32) to attend parade; or (33) quitting parade; or (34) guard, picquet, &c., in time of peace; (35) being in command, &c., refusing to receive or releasing prisoners; or (36) being under arrest leaving his arrest; (37) being grossly insubordinate; or (38) refusing to attend military work; (39) impeding Provost Marshal, &c., in execution of his duty; (40) striking subordinates; (41) committing extortion, &c.; (42) house breaking in time of peace, &c.; (43) failing in specified duties to report, &c., specified injuries, &c.; (44) defiling places of worship with intention to insult religion, &c.; (45) as to bribery; (46) causing

false alarm in time of peace ; (47) designedly, &c., killing, &c., horse, &c., or making away, &c., with regimental necessaries; (48) attempting to commit suicide ; (49) as to persons below the rank of warrant officer carrying arms off duty, &c. ; (50) as to sentry in time of peace sleeping on post, &c. ; (51) as to being absent from camp specified distances; or (52) from cantonment, &c., after tattoo.

53. Punishment for the offences specified in Articles 25 to 52.

CHAPTER III.—*Of Crimes to be punished with Dismissal from the Service*, 54—57.

ARTICLES 54—56. As to embezzlement and kindred offences; (55) as to destruction of Government property ; (56) as to giving false evidence.

57. Punishment for offences specified in Articles 54—56.

CHAPTER IV.—*Of Disgraceful Conduct*, 58—66.

ARTICLES 58—65. As to malingering and kindred offences ; (59) as to wilfully causing hurt ; (60) as to theft and receiving ; (61) embezzlement of Government property not entrusted on Government account ; (62) obtaining pension by false statement ; and (63) furnishing false returns ; (64) other fraudulent offences ; (65) as to cruelty and indecency.

66. Penalties for offences specified in Articles 58—65.

CHAPTER V.—*Of Offences against Courts Martial*, 67—68.

ARTICLES 67—68. Refusal to attend or to be sworn and kindred offences ; (68) as to contempts.

69. Punishment for offences specified in Articles 67—68.

CHAPTER VI.—*Of Unspecified Offences and Abetment*, 70—71.

ARTICLES 70—71. Their definition and punishment; (71) abetment of various specified offences how punishable.

TITLE III.—OF JURISDICTION.

CHAPTER I.—*Courts Martial*, 72—97.

ARTICLE 72. Their different kinds enumerated.

73—76. *As to General Courts Martial*, by whom they may be appointed; (74) how to be composed ordinarily; (75) how when appointed under orders in Council; and (76) what their powers shall be to try and punish.

77—78. *As to Detachment General Courts Martial*, their appointment and by whom; and (78) their composition and powers.

79—82. *As to District Courts Martial* and *Garrison* Courts Martial, by whom they may be appointed; (80, 81) how composed; and (82) what their powers shall be to try and punish.

83—85. *As to Regimental Courts Martial*, how they are to be appointed; (84) how composed; and (85) what powers they shall have of punishing.

86—89. *As to Regimental Detachment Courts Martial*, by whom to be appointed; (88) how composed; and (89) what their powers to punish.

90—94. *As to Summary Courts Martial*, by whom they may be held; (91) how to be composed; (92) what persons and (93) what offences triable by them; and (94) what their powers of punishing.

95—97. *As to the trial of grave offences by inferior Courts*, by whom they may be authorized; (96) and how Courts composed of European instead of native Commissioned Officers may be constituted; and (97) provides for the case of claim by accused to be tried by European Officers.

CHAPTER II.—*Procedure*, 98—129.

ARTICLES 98—114. As to limitation; (99) place of trial; (100) arrest of accused; (101) appointment of Judge Advocate; and (102) Interpreter; (103) President; (104) as to conduct of proceedings; (105) precedence of Native Officers; (106) time of trial, adjournments, and re-assembling; (107) as to challenges; (108) Interpreter's oath; (109) President's and Members' oath; (110) as to Judge Advocate; (111) witnesses; (112) the binding effect of the oath; (113) as to re-swearing in case of several trials; and (114) as to presumptive evidence of desertion.

115. As to reference by prisoner to Government Officer.

116. As to trial for desertion.

117. As to evidence of previous convictions and general character.

118—119. As to voting of Members; (119) of whom a majority requisite for sentence of death.

120. As to revision of finding or sentence.

121. As to application of procedure.

122, 124. As to summoning of witnesses; and (124) their privileges.

123. As to contempt of Court.

125—129. As to *Summary Courts Martial*, what persons are to be in attendance when they are sitting; and (126) as to their proceedings; and (127) the oath of the Interpreter and Officer holding the trial; (128) as to the evidence; and (129) signing and transmission of the proceedings.

CHAPTER III.—*Of Sentences*, 130—141.

ARTICLES 130—131. What sentences may be passed by General Courts Martial; and (131) by General District Garrison Courts Martial on specified classes of persons.

132—139. As to sentences of reduction, dismissal, corporal punishment, and imprisonment; and (133) as to limit of imprisonment; (134) solitary confinement; (135) reduction to ranks; (136) forfeiture of pay and pension; (137) arrears of pay; and (138, 139) as to stoppages and their extent.

140—141. As to sentence of transportation or imprisonment of persons already sentenced once; and (141) form of sentence of death.

CHAPTER IV.—*Of Confirmation and Commutation of Sentence*, 142—149.

ARTICLE 142. Confirmation in what cases necessary.

143. As to commutation of sentence of death.

144. As to sentence of penal servitude on European.

145—146. As to sentence of dismissal of Commissioned Officer, &c.; and (146) restriction on carrying it into effect.

147—149. As to sentence of corporal punishment; (148) imprisonment with hard labour; and (149) restriction on the latter in case of Non-Commissioned Officers.

CHAPTER V.—*Of Execution of Sentence*, 150—159.

ARTICLES 150—158. As to execution of sentence of transportation; (151) of imprisonment with hard labour; (152) as to place of imprisonment; (153) as to transfer to military custody; (154) as to forfeiture of pay during imprisonment; (155) as to striking convict off strength of the regiment; (156) as to non-re-admissions; (157) dismissal with ignominy; and (158) as to publication of sentence for disgraceful conduct.

159. As to sentences of Summary Courts Martial.

CHAPTER VI.—*Of Pardons and Remissions*, 160—161.

ARTICLES 160—161. As to pardoning by the Government of India and Local Governments; and (161) release of prisoners in custody in jails.

CHAPTER VII.—*Of Regimental Courts of Enquiry*, 162—163.

ARTICLES 162—163. As to the effect of the enquiry in case of absence of the accused; and (163) as to persons absent as prisoners of war.

TITLE IV.

Powers of Officers independently of trial, 164—169.

ARTICLES 164—165. As to power to reduce to the ranks; and (165) over minor punishments.

166—167. As to offences by Native followers; and (167) complaints against Officers.

168—169. As to appointment of Provost Marshals; and (169) their powers.

TITLE V.

Of Non-Military Offences, 170—175.

ARTICLES 170—175. When committed within jurisdiction of a Criminal Court, or (171) out of British India; (172) procedure of Courts out of British India; (173) sentences of such Courts; (174) confirmation; and (175) commutation of such sentences.

TITLE VI.

Of the Effects of Deceased Men and Deserters, 176—179.

ARTICLES 176—179. Directions respecting the collection, custody, &c., of such effects; and (177) their sale; and (178) remittance of the surplus; and (179) sale of effects of deserters and remittal of proceeds.

PART III.

Miscellaneous (*a*) *to* (*k*)

a—k. Prohibition of second trial for same offence; (*b*) of arrest for debt; (*c*) as to breach of cantonment rules; (*d*) capture of deserters; (*e*) apprehension of military offenders; (*f*) as to presumption of the genuineness of

signature; (*g*) as to Native troops serving out of their own Presidency; (*h*) Government of India, &c., empowered to make orders and issue warrants, subject (*i*) to specified limitations; and (*j*) empowers the Governor-General to make rules; and (*k*) directs specified Articles to be read periodically to troops.

APPENDIX.

PART I.

Definitions from Indian Penal Code.

PART II.

CHAPTER X.—*Of Abetment from the Indian Penal Code.*

Preamble.

WHEREAS it is expedient to consolidate and amend the Articles of War for the government of the Native Officers, Soldiers, and other persons in Her Majesty's Indian Army; It is hereby enacted as follows:—

PART I.—PRELIMINARY.

(*a.*)—*Short Title.*

This Act may be called "The Indian Articles of War."

(*b.*)—*Commencement of Act.*

This Act shall come into operation on the first day of June 1869.

(*c.*)—*Repeal of Enactments.*

From such day the first section of Act No. XXV of 1857 *(to render Officers and Soldiers in the Native Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases)*, Act No. XXIX of 1861 *(to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army)*, Act No. V of 1863 *(to amend Act XXIX of* 1861*)*, and Act No. XXVI of 1865 *(to amend Act XXIX of* 1861*)* shall be repealed:

Provided that all crimes and offences committed against any Articles of War repealed by this Act may be enquired into and punished in like manner as if they had been committed against the Articles of War contained in this Act, and that any warrant for holding Courts Martial, issued under any Act hereby repealed, shall remain in full force, notwithstanding such repeal:

Provided also, that no proceedings in any trial begun under any Articles so repealed, shall be discontinued owing to such repeal, but every such trial shall proceed and be completed in the same manner as if this Act had not been passed.

References to any Act hereby repealed, or any Act passed subsequently thereto, shall be read as if made to this Act.

(d.)—Application of Articles.

The Articles contained in Part II of this Act shall apply to all

Commissioned Officers,
Sub-Assistant Surgeons,
Hospital Assistants,
Native Doctors,
Warrant Officers,
Non-Commissioned Officers,
Hospital Attendants of any class,
Trumpeters, Buglers, Drummers,
Musicians,
Soldiers,
Unattested Recruits,
Lascars, Mahouts, Drivers,
Farriers, Syces, Grass-cutters,
Artificers, Labourers,
Sutlers, Followers, whether public or private, and all other persons attached to or serving with any portion of the said Army:

Proviso.

Provided that nothing in the said Part (other than Article 123) shall render any British-born subject of Her Majesty, or any legitimate Christian lineal descendant of such subject, whether in the paternal or maternal line, triable or punishable under the

said Part, but all such persons belonging to Her Majesty's Indian Army shall be triable and punishable as if they belonged to Her Majesty's British forces.

And that nothing in the said Part shall render any American or any Christian European not being British-born, or any Christian legitimate lineal descendant of such American or European, whether in the paternal or maternal line, triable by a Court Martial composed of Native Commissioned Officers; but all such persons belonging to Her Majesty's Indian Army shall be triable by Courts Martial composed of European Officers only. Save as aforesaid, such persons shall be subject to this Act as if they were Natives of British India.

(*e.*)—*Interpretation-clause.*

In this Act, unless there be something repugnant in the subject or context—

"Army" means Her Majesty's Indian Army, and "service" means service in such Army:

"Commissioned Officer" includes all Officers holding Commissions in the Native ranks of the Army, whether they be of purely Native or of a mixed European and Native extraction:

"European Officers" includes all European Officers holding Commissions in such Army or in Her Majesty's British Army:

"Commanding Officer" or "Officer Commanding," means the European Officer in actual command for the time being of any Force, Division, District, Regiment, Corps, Detachment, or Depôt, as the case may be:

"Judge Advocate" includes any European Officer duly authorized to officiate as Judge Advocate:

"Court Martial" means a Court Martial held under this Act, and in Articles 67, 68, 69, and 123 shall include a Court Martial held under the Act for punishing mutiny and desertion, and for the better payment of the Army and their quarters for the time being in force:

"Soldier" and "Soldiers" include Non-Commissioned Officers and all armed persons doing duty in the ranks of the Army:

"Attested" means attested under the Articles contained in Part II of this Act:

"Deserter" means a person subject to such Articles, who has deserted from the Army:

"Government" means, in the case of the Madras Army, the Governor of Fort Saint George in Council; in the case of the Bombay Army, the Governor of Bombay in Council; and in the case of any other part of Her Majesty's Indian Army, the Governor-General of India in Council:

And the expressions "assault," "criminal force," "dishonestly," "extortion," "fraudulently," "grievous hurt," "hurt," "theft," "voluntarily causes hurt," "voluntarily causes grievous hurt," "reason to believe," "wrongful gain," and "wrongful loss" shall be severally taken to have the meanings assigned to them respectively in the Indian Penal Code, and quoted in Part I of the Appendix to this Act.

(*f.*)—*Saving of certain Regulations.*

Nothing in this Act affects any regulations by which the respective offices and powers of Cantonment Magistrates, Commissariat Officers, Officers in charge of the Police in Cantonments, and Superintendents of Military Bázárs are defined and controlled, or by which Panchâyats are constituted and guided.

PART II.—THE ARTICLES OF WAR.

TITLE I.—ENLISTMENT, DISMISSAL, AND DISCHARGE.

CHAPTER I.—*Enlistment.*

Articles to be read to Recruits.

Article 1.—Every person prior to being enrolled in any regiment or corps shall have the 7th, 8th, 9th, 10th, 11th, 24th, 38th, and 53rd of these Articles read and explained to him.

Affirmation.

When reported fit for duty, such declaration or charge as may be usual shall be made to him, by the Officer Commanding, in

front of the regiment or corps, or of such portion thereof as shall be present; and the person shall then make the following affirmation:—

"I , the inhabitant of , son "of , solemnly affirm in the presence of Almighty "God that I will be faithful to Her Majesty the Queen, Her "heirs and successors, and will go wherever I am ordered, by "land or sea, and will obey all commands of the Officers set over "me, even to the peril of my life.

Attestation.

Article 2.—All persons of the following classes, hereafter enlisted or enrolled under these Articles, shall be attested according to the regulations of the government to which they are respectively subject:—Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, Warrant Officers of any Department, Trumpeters, Buglers, Drummers, Musicians, Soldiers, Lascars, Mahouts, Drivers, Farriers, Syces, and Grass-cutters.

Articles 3, 4, 5, 7 to 71 (both inclusive), 90 to 94 (both inclusive), 130 to 139 (both inclusive), 154, 167, and 176, shall be read to every person enlisted or enrolled under these Articles at the time of his attestation.

CHAPTER II.—*Dismissal and Discharge.*

Dismissal of Commissioned Officers.

Article 3.—A Commissioned Officer shall be liable to dismissal from the service by the sentence of a General Court Martial, or by order of the Governor-General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs, or, if the Officer belongs to either of the Presidencies of Fort St. George or Bombay, of the Governor in Council of such Presidency.

Every Commissioned Officer dismissed under these Articles shall forfeit all claim to pension.

Dismissal of other Persons.

Article 4.—Any person subject to these Articles, other than a Commissioned Officer, shall be liable to dismissal from the service

by the sentence of any Court Martial empowered to try him,

or by order of the Governor-General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs,

or, if he belongs to either of the Presidencies of Fort St. George and Bombay, by order of the Governor in Council,

or, if he belongs to a force not attached to any such Presidency, by order of the Officer commanding such force.

Every such person so dismissed shall forfeit all claim to pension.

Attested person dismissed and re-enlisting.

Article 5.—Every attested person of or below the rank of Non-Commissioned Officer who has been dismissed or discharged from the service, and who subsequently re-enters the service without at the time stating the fact of his dismissal or discharge, or showing his certificate of dismissal or discharge, may be dismissed the service by the Officer commanding the regiment or corps with which he is serving.

Certificate to person dismissed.

Article 6.—Every attested person who is dismissed or discharged from the service, shall be furnished by his Commanding Officer with a certificate, in the English language and in the mother-tongue of such person (when his mother-tongue is not English), setting forth

(*a*) the authority dismissing or discharging him,

(*b*) the cause of his dismissal or discharge, and

(*c*) the full period of his service in the Army.

TITLE II.—MILITARY OFFENCES.

CHAPTER I.—*Crimes punishable with Death or Transportation.*

Mutiny and Sedition.

Article 7.—Any person subject to these Articles—

Who begins, excites, causes, or joins in any mutiny or sedition in any regiment, corps, detachment, or guard;

or who, being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same ;

or who, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State,

does not, without delay, give information thereof to his Commanding or other superior Officer ;—or

Violence to superior.

Article 8.—Who uses or attempts to use criminal force to, or commits an assault on, his superior Officer, whether on or off duty under any circumstances in which the superior Officer is distinguishable as such in any manner ;—or

Disobedience.

Article 9.—Who disobeys the lawful command of his superior Officer ;—or

Desertion.

Article 10.—Who deserts the service ;—or

Re-enlistment without having been discharged.

Article 11.—Who, without having first obtained a regular discharge from the regiment or corps to which he belongs, enlists or enrols himself in any other regiment or corps ;—or

Sentry sleeping on or quitting post in time of war.

Article 12.—Who, being a sentry in time of war or alarm, or over any State-prisoner, treasure, magazine, or dockyard, sleeps upon his post, or quits it without being regularly relieved, or without leave ;—or

Sentry plundering.

Article 13.—Who, being a sentry, or on guard, plunders or wilfully destroys or injures any property placed under his charge, or under charge of his guard ;—or

Abandoning garrison.

Article 14.—Who shamefully abandons or delivers up any garrison, fortress, post, or guard committed to his charge, or which it is his duty to defend ;—or

Betraying watch-word.

Article 15.—Who treacherously makes known the watch-word to any person not entitled to receive it according to the rules and discipline of war;—or

Corresponding with enemy.

Article 16.—Who directly or indirectly holds correspondence with, or communicates intelligence to, the enemy, or any person in arms against the State, or who, coming to the knowledge of any such correspondence or communication, omits to discover it immediately to his commanding or other superior Officer;—or

Assisting enemy.

Article 17.—Who directly or indirectly assists or relieves with money, victuals, or ammunition, or knowingly harbours or protects any enemy or person in arms against the State;—or

Releasing prisoners.

Article 18.—Who, without proper authority, releases any State-prisoner, enemy, or person taken in arms against the State, placed under his charge, or who negligently suffers any such prisoner, enemy, or person to escape;—or

Misbehaviour in presence of enemy.

Article 19.—Who, in presence of an enemy, or of any persons in arms against whom it is his duty to act, shamefully casts away his arms and ammunition, or intentionally uses words or any other means to induce any Officer or Soldier to abstain from acting against the enemy or to discourage such Officer or Soldier from acting against the enemy, or who otherwise misbehaves;—or

Seeking plunder during action.

Article 20.—Who, in time of action, without authority, leaves his Commanding Officer, or his post, or colours, or party to go in search of plunder;—or

Quitting guard in time of war.

Article 21.—Who, in time of war, quits his guard, picquet, party, or patrol, without being regularly relieved or without leave;—or

Assaulting persons bringing provisions.

Article 22.—Who, in time of war, or during any military operation, uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to the camp or quarters of any of Her Majesty's forces,

or forces a safeguard, or, without authority, breaks into any house or other place for plunder; or plunders, injures, or destroys any field, garden, or other property of any kind;—or

Causing false alarm in time of war.

Article 23.—Who in time of war, or during any military operation, intentionally occasions a false alarm in action, camp, garrison, or quarters, or spreads reports by words or by letters calculated to create alarm or despondency.

Punishment for the foregoing offences.

Article 24.—Shall, on conviction, suffer death, or transportation for life, or for a term of not less than seven years,

or imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to fourteen years,

or such other punishment as a General Court Martial is by these Articles empowered to award.

Whenever any person is convicted under this section of an offence punishable with death, all his property, moveable and immoveable, shall be forfeited to Government.

CHAPTER II.—*Crimes punishable otherwise than by Death or Transportation.*

Unbecoming behaviour.

Article 25.—Any Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer,

who behaves in a manner unbecoming his position and character;—and

Intoxication on duty.

Article 26.—Any person subject to these Articles,

who is in a state of intoxication when on or for any duty, or on parade, or on the line of march;—or

Striking sentry.

Article 27.—Who strikes, or forces, or attempts to force any sentry;—or

Harbouring deserter.

Article 28.—Who knowingly harbours any deserter; or who, knowing, or having reason to believe, that any other person has deserted, or that any deserter has been harboured by any other person, does not immediately give notice to his own or some other superior Officer, or uses his utmost endeavours to cause such deserter to be apprehended;—or

Enlisting deserter.

Article 29.—Who knowing, or having reason to believe, that a person is a deserter enlists him;—or

Absence without leave.

Article 30.—Who absents himself without leave, or, without sufficient cause, overstays leave granted to him;—or

Failure to re-join.

Article 31.—Who being on leave of absence and having received information from proper authority that his regiment or corps has been ordered on service, fails, without sufficient cause to re-join without delay;—or

Failure to attend parade.

Article 32.—Who, without sufficient cause, fails to appear at the time fixed at the parade or place appointed for exercise or duty;—or

Quitting parade or division.

Article 33.—Who, when on parade, or on the line of march, without sufficient cause, or without leave from his superior Officer, quits the parade or line of march;—or

Quitting guard in time of peace.

Article 34.—Who, in time of peace, quits his guard, picquet, or patrol, without being regularly relieved, or without leave;—or

Refusing to receive or releasing prisoners.

Article 35.—Who, being in command of a guard, picquet, or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape ;—or

Leaving arrest.

Article 36.—Who, being under arrest, or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority ;—or

Insubordination.

Article 37.—Who is grossly insubordinate or insolent to his superior Officer in the execution of his office ;—or

Refusal to superintend military work.

Article 38.—Who refuses to superintend or assist in the making of any field-work, or other military work of any description, ordered to be made either in quarters or in the field ; or—

Impeding Provost Marshal.

Article 39.—Who impedes a Provost Marshal or an Assistant Provost Marshal, or any person lawfully exercising authority, or refuses when called upon to assist such person when requiring aid in the execution of his duty ;—or

Striking subordinates.

Article 40.—Who strikes or otherwise ill-treats any soldier or other person attested under these Articles being his subordinate in rank or position ;—or

Extortion.

Article 41.—Who commits extortion ; or, without proper authority, exacts from any person carriage, porterage, or provisions ; —or

House-breaking or plundering in time of peace.

Article 42.—Who, in time of peace, commits house-breaking for the purpose of plundering ; or plunders, destroys, or damages any field, garden, or other property ;—or

Neglecting to compensate person injured by subordinate.

Article 43.—Who, being in command at any post, or on the march, and receiving a complaint that any one under his command has beaten, or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person, or to report the case to the proper authority;—or

Defiling places of worship.

Article 44.—Who, by defiling any place of worship, or otherwise intentionally insults the religion, or wounds the religious feelings of any person;—or

Taking bribes.

Article 45.—Who, directly or indirectly, requires, accepts, or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enlistment or enrolment of any person, or leave of absence, promotion, or any other advantage or indulgence for any person in the service;—or

Causing false alarm in time of peace.

Article 46.—Who, in time of peace, by any means whatever, intentionally occasions a false alarm in camp, garrison, or cantonment;—or

Making away with regimental necessaries.

Article 47.—Who designedly or through neglect kills, injures, or loses his horse, or who dishonestly or fraudulently removes, conceals, or delivers to any person, or who designedly or through neglect injures or loses his arms, clothes, tools, musical or surgical instruments, equipments, ammunition, accoutrements, or regimental necessaries, or any such articles entrusted to him, or belonging to any other person,

or who sells, pawns, destroys, or defaces any medal or decoration granted to him by order of Her Majesty, or of the East India Company, or of the Governor-General of India in Council for service in the field, or for general good conduct;—or

Attempting suicide.

Article 48.—Who attempts to commit suicide, and does any act towards the commission of such offence ;—and

Appearing armed in camp.

Article 49.—Any person subject to these Articles below the rank of Warrant Officer—

Who, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to, or returning from, any town or bázár, carrying a sword, bludgeon, or other offensive weapon ;—or

Sentry sleeping on post in time of peace.

Article 50.—Who, being a sentry, in time of peace sleeps upon his post, or leaves it before being regularly relieved, or without leave ;—or

Absence from camp.

Article 51.—Who, without proper authority, is found two miles or upwards from camp ;—or

Absence from cantonment after tattoo.

Article 52.—Who, without proper authority, is absent from his cantonment or lines after tattoo, or from camp after retreat-beating ;

Punishment for offences mentioned in Articles 25—52.

Article 53.—Shall, on conviction by any Court Martial competent to try him, be sentenced to such punishment, other than death or transportation, as such Court is, by these Articles, empowered to award.

CHAPTER III.—*Crimes to be punished with dismissal from the service.*

Embezzlement.

Article 54.—Any person subject to these Articles—

Who dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools,

instruments, equipments or military stores of any kind, the property of Government, entrusted to his charge on the public account, or for any military purpose,

or who dishonestly uses or disposes of such property in violation of any direction of a proper authority,

or who dishonestly receives or retains any such property, knowing or having reason to believe the same to have been dishonestly misappropriated or converted ;—or

Destruction of Government property.

Article 55.—Who wilfully destroys or injures any property of Government entrusted to him on the public account, or for any military purpose ;—or

Giving false evidence.

Article 56.—Who, having been duly sworn or affirmed before any Court Martial, or other Military Court competent to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true ;—

Punishment for offences mentioned in Articles 54, 55, 56.

Article 57.—Shall, if convicted by a General Court Martial, be sentenced to be dismissed the service and to forfeit any arrears of pay and allowances due to him at the time of dismissal ; and shall be punishable also with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to three years : and shall, if convicted by a District or Garrison Court Martial, be liable to any or all of the penalties which such Court may inflict for disgraceful conduct.

CHAPTER IV.—*Disgraceful Conduct.*

Malingering.

Article 58.—Any person subject to these Articles—

Who malingers, or feigns, or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity ;—or

Wilfully causing hurt.

Article 59.—Who, with intent to render himself or any other person unfit for service, voluntarily causes hurt or voluntarily causes grievous hurt to himself or any other person ;—or

Theft.

Article 60.—Who commits theft in respect of any property of Government, or of any Officer or Soldier, or of any other person in the service, or of any military mess or band, or of any person serving with or attached to the Army, or who dishonestly receives or retains any such property, knowing or having reason to believe it to be stolen ;—or

Embezzlement of Government property not entrusted on public account.

Article 61.—Who dishonestly misappropriates or converts to his own use any property of Government entrusted to him for any purpose not provided for in Articles 54 and 55,

or who dishonestly receives or retains any such property knowing or having reason to believe it to have been dishonestly misappropriated or converted ;—or

Obtaining pension by false statement.

Article 62.—Who obtains or attempts to obtain for himself, or for any other person, any pension, allowance, or other advantage or privilege by a statement which is false, and which he knows or has reason to believe to be false, or does not know to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement ;—or

Furnishing false returns.

Article 63.—Who knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores, or other property in his charge, whether belonging to such men, or to Government, or to any person in or attached to the Army,

or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid;—or

Other fraudulent offences.

Article 64.—Who does any other thing with intent to defraud, or to cause wrongful gain to one person, or wrongful loss to another person;—or

Cruelty or Indecency.

Article 65.—Who commits any other offence of a cruel, indecent, or unnatural kind, or attempts to commit any such offence and does any act towards its commission—

Penalties for offences specified in Articles 58—65.

Article 66.—May be tried for disgraceful conduct, and shall, on conviction by a General, District, or Garrison Court Martial, be liable to any or all of the penalties awardable by such Court for disgraceful conduct.

CHAPTER V.—*Offences against Courts Martial.*

Refusal to attend or be sworn.

Article 67.—Any person subject to these Articles who, when duly summoned to attend as a witness before a Court Martial, intentionally omits to attend, or refuses to be sworn or make affirmation, or to answer any question, or to produce or deliver up any book or document which he may have been duly warned and called upon to produce or deliver up, or prevaricates;—or

Contempts.

Article 68.—Who intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign, or gesture, or is insubordinate or violent in the presence of a Court Martial while sitting;—

Punishment for offences specified in Articles 67 *and* 68.

Article 69.—Shall, on conviction by the same or by any other Court Martial which is competent to try the offender, be liable to such punishments as the convicting Court is, by these Articles, empowered to award.

CHAPTER VI.—*Unspecified Offences.*

Article 70.—All offences not punishable with death, all neglects to obey any garrison or other orders, and all acts and omissions, of which any person subject to these Articles is accused, shall, though not specified in these Articles, if they be prejudicial to good order and military discipline, be taken cognizance of and punished according to the nature and degree of the offence, act, or omission by any Court Martial empowered to try the person guilty of such offence, act, or omission.

Abetment.

Article 71.—Every person subject to these Articles who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any of the offences specified in Articles 7, 8, 10, 13, 14, 18, and 19, may be punished with the punishment hereinbefore provided for such offence.

Every such person who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any other offence punishable under this Act, shall be punished

with imprisonment of any description provided by this Act for the offence so abetted for a term which may extend to one-half of the longest term of such imprisonment,

or with one-half of any other penalty awardable by the Court by which he is convicted,

or, if the offence is punishable with death or transportation for life, with transportation for a term not less than seven years or with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to ten years.

The said sections of the Indian Penal Code are set forth in Part II of the Appendix to this Act.

TITLE III.—JURISDICTION.

CHAPTER I.—*Courts Martial.*

Kinds of Courts Martial.

Article 72.—For the purposes of these Articles, there shall be eight kinds of Courts Martial, (that is to say)—

(1.)—General Courts Martial,

(2.)—Detachment General Courts Martial,
(3.)—District Courts Martial,
(4.)—Garrison Courts Martial,
(5.)—Regimental Courts Martial,
(6.)—Regimental Detachment Courts Martial,
(7.)—Detachment Courts Martial, and
(8.)—Summary Courts Martial.

(1.)—*General Court Martial.*

Appointment of General Court Martial.

Article 73.—A General Court Martial may be appointed—

(*a.*)—By the Commander-in-Chief of a Presidency:

(*b.*)—By any Officer authorized to appoint General Courts Martial by warrant of the Commander-in-Chief of a Presidency:

(*c.*)—By any Officer in actual command of Native troops who is authorized to appoint General Courts Martial by order of the Governor-General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council:

(*d.*)—By any Officer commanding Native troops not attached to the forces of a Presidency who is authorized to appoint General Courts Martial by warrant which the Governor-General of India in Council has empowered the Commander-in-Chief in India to issue.

Composition of such Court.

Article 74.—Except as hereinafter provided, every General Court Martial shall, if held in British India, consist of not less than nine Commissioned Officers, but may, if held out of British India, consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled.

Composition of such Court appointed under Orders in Council.

Article 75.—A General Court Martial appointed under the authority of an Order in Council shall consist of not less than five Commissioned Officers, and shall, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

Powers of such Court.

Article 76.—A General Court Martial shall have power to try all persons subject to these Articles accused of mutiny or of any other offence punishable under this Act, and to pass sentences of death,

Transportation for life or for any period not less than seven years,

Imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years,

Dismissal from the service,

Suspension from rank, pay, and allowances for any stated period,

Degradation,

Loss of standing,

Reduction to the ranks,

Corporal punishment not exceeding fifty lashes,

Forfeiture of additional pay, good conduct pay, and claim to pension,

Forfeiture of arrears of pay and allowances,

Stoppages.

Whenever any person is convicted of any offence for which he shall be transported or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that all the rents and profits of his moveable and immoveable estate during the period of his transportation or imprisonment shall be forfeited to Government, subject to such provision for his family and dependents as the Government may think fit to allow during such period.

(2.)—*Detachment General Court Martial.*

Appointment of such Court Martial.

Article 77.—When any portion of Her Majesty's troops is serving in any place not in British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty, wherein Her Majesty's forces are permanently

stationed, a Detachment General Court Martial may be appointed:—

(*a.*)—By the Commander-in-Chief of a Presidency:

(*b.*)—By any Officer authorized to appoint Detachment General Courts Martial by warrant of the Commander-in-Chief of a Presidency:

(*c.*)—By the Officer in actual command of such troops, upon complaint being made of an offence against the person or property of any resident of such place, committed by any person under such Officer's command and subject to these Articles.

Its Composition and Powers.

Article 78.—Such Court Martial shall consist of not less than three Commissioned Officers, and shall have the same powers as a General Court Martial.

(3.)—*District Court Martial, and*

(4.)—*Garrison Court Martial.*

Appointment of such Courts.

Article 79.—A District or Garrison Court Martial may be appointed—

(*a.*)—By the Commander-in-Chief of any Presidency:

(*b.*)—By any Officer authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant of the Commander-in-Chief of any Presidency:

(*c.*)—By any Officer in actual command of Native troops authorized to appoint District or Garrison Courts Martial (as the case may be) by order of the Governor-General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council:

(*d.*)—By any Officer commanding Native troops not attached to the forces of a Presidency authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant which the Governor-General of India in Council has empowered the Commander-in-Chief in India to issue.

Composition of such Courts.

Article 80.—(*a*). Except as hereinafter provided, a District or Garrison Court Martial shall consist of seven Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than five such Officers.

(*b.*) A District Court Martial appointed under the authority of an Order in Council, may consist of any number of Commissioned Officers not less than three; and may, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

Officers composing such Courts.

Article 81.—A District or Garrison Court Martial may, when necessary, be composed wholly of Officers of the regiment or corps to which the accused belongs: Provided that on the trial of a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, not more than two Officers of the same regiment, corps, detachment, depôt, or department as the accused shall sit upon any such Court.

Powers of such Courts.

Article 82.—A District or Garrison Court Martial shall have power to try all persons subject to these Articles, other than Commissioned Officers, for any offence other than mutiny made punishable by these Articles, and to pass sentences of—

Imprisonment (with or without hard labour, and with or without solitary confinement) for a term not exceeding one year,

Dismissal from the service,

Suspension from rank, pay, and allowances,

Degradation,

Loss of standing,

Reduction to the ranks,

Corporal punishment not exceeding fifty lashes,

Forfeiture of additional pay, good-conduct pay, and claim to pension,

Forfeiture of arrears of pay and allowances,

Stoppages.

(5.)—Regimental Court Martial.

Appointment of such Court.

Article 83.—A Regimental Court Martial may be appointed by the Officer commanding any regiment or corps.

Composition of such Court.

Article 84.—A Regimental Court Martial shall consist of not less than five Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than three such Officers.

Powers of such Court.

Article 85.—A Regimental Court Martial shall have power to try—

(*a.*)—All persons subject to these Articles, other than Commissioned Officers, Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, and Warrant Officers, for any offence other than mutiny, desertion, or disgraceful conduct, punishable under these Articles, when committed on the line of march, or on board any vessel:

(*b.*)—Any offence punishable under this Act, and not within the ordinary jurisdiction of a Regimental Court Martial, other than mutiny, desertion, and disgraceful conduct, when the Officer commanding the division or district directs it to be tried by a Regimental Court Martial: and

(*c.*)—Any offence punishable under these Articles, other than offences not within the ordinary jurisdiction of a Regimental Court Martial—

and to pass sentences of—

Dismissal,

Loss of standing,

Reduction to the ranks,

Imprisonment (with or without hard labour and with or without solitary confinement) for a term not exceeding six months,

Corporal punishment not exceeding fifty lashes,

Forfeiture of arrears of pay and allowances,

Stoppages.

(6.)—*Regimental Detachment Court Martial, and*
(7.)—*Detachment Court Martial.*

Appointment of Regimental Detachment Court Martial.

Article 86.—A Regimental Detachment Court Martial may be appointed by the Officer commanding a detachment of his own regiment or corps :

Appointment of Detachment Court Martial.

Article 87.—A Detachment Court Martial may be appointed,—

(*a.*)—By the Officer commanding any station, force, or detachment of men of different regiments or corps ;

(*b.*)—By the Officer in command of any detachment when any offence not within the ordinary jurisdiction of a Regimental Court Martial (other than mutiny, desertion, or disgraceful conduct), is committed on the line of march, or on board any vessel.

Composition of such Courts.

Article 88.—A Regimental Detachment Court Martial and a Detachment Court Martial shall consist of not less than five Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than three Commissioned Officers.

Powers of such Courts.

Article 89.—A Regimental Detachment Court Martial and a Detachment Court Martial shall have the same powers as a Regimental Court Martial.

(8.)—*Summary Courts Martial.*

Article 90.—(*a.*) Subject to the provisions and restrictions contained in Articles 91, 92, 93, 94, 125, and 126, a Summary Court Martial may be held by the European Commissioned Officer who is in actual command, for the time being, of any regiment or corps,

or of any detachment consisting of, or equivalent in strength to, three troops or companies,

or of any European corps or detachment to which Native details subject to these Articles are attached,

or who is in charge of any arsenal, ordnance, establishment, or camp equipage depôt.

(*b.*)—In detached situations, beyond sea, or out of British India, or on service in the field, or under any circumstances where, immediate example being necessary, a Detachment Court Martial cannot be assembled as provided in Article 87, and reference cannot be made to superior authority without detriment to the service, a Summary Court Martial may be held by the European Commissioned Officer commanding a detachment of any strength:

Provided that if the Officer is of less than five years' standing, he shall not carry into effect any sentence by such Court Martial, until it has received the approval of the nearest superior Military Officer holding a command of not less than a regiment.

Constitution of such Courts.

Article 91.—At every Summary Court Martial, the Commanding Officer holding it shall alone constitute the Court.

Persons triable by such Court.

Article 92.—No Commanding Officer shall have power to try by a Summary Court Martial any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, or any person who is not liable to trial by Courts composed of Native Commissioned Officers; but all other persons subject to these Articles shall be liable to trial and punishment by a Summary Court Martial:

Provided that no person shall be so tried unless he is under the command of the Officer holding the trial.

Offences triable by such Court.

Article 93.—Any offence against these Articles, except mutiny, may be tried and punished by Summary Court Martial:

Provided that, when there is no emergent reason for immediate action, and reference can, without detriment to discipline, be made to superior military authority, a Commanding Officer shall not try by Summary Court Martial, without such reference, any of the following offences:—

Offences under Articles 8 to 23 both inclusive, ordinarily punishable by General Court Martial only:

Disgraceful offences under Articles 54, 55, 56, 60, 61, and 64; and

Offences against such Commanding Officer.

Its powers.

Article 94.—A Summary Court Martial held by any Officer commanding a regiment or corps may award any sentence not exceeding that awardable by a District Court Martial.

A Summary Court Martial held by any Commanding Officer other than the Officer commanding a regiment or corps, may award any sentence not exceeding that awardable by a Regimental or Detachment Court Martial.

Trial of grave offences by inferior Courts.

Article 95.—Save, as provided by Article 85, clauses (*a*) and (*b*), and Article 89, no Commanding Officer shall try by a Regimental or Detachment Court Martial offences which are by these Articles declared to be punishable by a General, District, or Garrison Court Martial only. But, as it may be expedient that some such offences should be tried by inferior Courts Martial, the Commanding Officer of any regiment, corps, or detachment shall, in every such instance, submit the case for the orders of the Officer commanding the division or district in which he is serving, and the Officer commanding such division or district, whether on or without such application, may direct trial by such kind of Court Martial as he thinks fit:

Provided that mutiny shall in no case be tried save by a General Court Martial, and that desertion and disgraceful conduct shall in no case be tried by any Court Martial inferior to a District or Garrison Court Martial.

The permission to try grave offences by District or Garrison, Regimental or Detachment Courts Martial, shall be entered upon the proceedings of such Court, and in the monthly return of trials furnished to Army Head Quarters.

Courts composed of European Officers.

Article 96.—The Governor-General of India, or the Governor of any Presidency, may, by an order in Council, direct that any

Court Martial appointed under these Articles, shall be composed of European instead of Native Commissioned Officers, or authorize any General or other Officer to appoint Courts Martial so composed at his discretion.

Any such Court Martial shall in such case be constituted accordingly, but shall in all other respects be governed by these Articles.

Claim to be tried by European Officers.

Article 97.—With the exception of cases of trial by Courts Martial appointed under Orders in Council, every person subject to these Articles, who is under orders for trial by Court Martial, may claim to be tried by European Officers.

When any such claim is made, the Court, whether a General, District, Garrison, Regimental, or Detachment Court Martial, shall be composed of European instead of Native Commissioned Officers; but shall in all other respects be governed by these Articles.

CHAPTER II.—*Procedure.*

Limitation of trials.

Article 98.—No person subject to these Articles shall be tried or punished by a Court Martial for any military offence after the expiration of three years from the date of such offence unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined and brought to trial within that period; in which case he shall be liable to be tried at any time not exceeding two years after such impediment shall have ceased.

Place of trial.

Article 99.—Any person subject to these Articles who commits any offence against them, may be tried and punished for such offence in any place whatever in the same manner as if the offence had been committed in such place.

Arrest or confinement of accused.

Article 100.—Whenever any person subject to these Articles is accused of any military offence which his commanding or other

superior Officer considers should be tried by Court Martial, such Officer shall order the accused, if not below the rank of Non-Commissioned Officer, to be placed in arrest, or if below such rank, to be put in confinement, until he can be tried by a Court Martial, or discharged by proper authority.

No such person shall be detained in arrest or confinement longer than is necessary for the purposes of justice.

Judge Advocate.

Article 101.—It shall not be necessary to appoint a Judge Advocate to any General Court Martial appointed under the authority of an Order in Council. But every other General Court Martial shall be attended by a Judge Advocate, who shall conduct the proceedings; and every District or Garrison, Regimental or Detachment, Court Martial, composed of Native Commissioned Officers, shall be attended by a European Superintending Officer of not less than four years' service, who shall conduct the proceedings.

Interpreter.

Article 102.—An Interpreter shall be appointed to every Court Martial, and shall, when the Court is composed of Native Officers, form part of such Court.

If no duly qualified Interpreter is available, at the station or place where the Court Martial sits, the Officer appointing the Court, or the Officer commanding in the division, district, or place within or at which the trial is to be held, shall appoint any competent person to perform the duty of Interpreter.

When no other qualified or competent person is available, the Superintending Officer, or, in the case of a European Court, the President, shall perform the duty of Interpreter.

No Interpreter shall, as such, have a vote upon any matter.

President.

Article 103.—At every Court Martial, whether composed of European or Native Commissioned Officers, the senior Officer shall sit as President, without special appointment as such.

In case of the death or unavoidable absence of the President, the next senior member shall take the place of President, without special appointment as such, and the trial shall proceed if the Court be still composed of the smallest number of members of which it is required by these Articles to consist.

Conduct of Proceedings.

Article 104.—In the case of any General Court Martial appointed under an Order in Council, or of any other Court Martial composed of European Commissioned Officers under Article 96 or 97, the President shall conduct the proceedings.

Precedence of Native Officers.

Article 105.—Risáldár Majors and Súbahdár Majors shall take precedence according to the dates of their commissions, and above all Súbahdárs or Risáldárs.

Sirdár Bahádurs and Bahádurs shall take rank only according to their respective commissions of Risáldár Major, Súbahdár Major, Risáldár, Risáidár Súbahdár, or Jemadár.

Risáldárs shall take rank with Súbahdárs, according to the dates of their commissions as Risáidárs, or, if they have not been Risáidárs, then according to the dates of their commissions as Risáldárs.

Time of Trial, Adjournment, and Re-assembly.

Article 106.—Trials by Courts Martial may be carried on at any time without restriction.

The date and hour of the Court's original assembly shall be fixed by, or under the orders of the convening Officer; but the adjournment and re-assembly of a Court Martial shall be determined by the Court itself.

Challenges.

Article 107.—At all trials by Courts Martial, other than Courts Martial appointed under an order in Council or Summary Courts Martial as soon as the Court is assembled, the names of the President and Members shall be read over to the prisoner, who shall thereupon be asked by the Officer conducting the

proceedings, whether he objects to being tried by any Officer sitting on the Court.

If the prisoner objects to any such Officer, his objection, and also the reply thereto of the Officer objected to, shall be heard and recorded, and the remaining Officers of the Court shall, in the absence of the challenged Officer, decide on the objection.

When no challenge is made, or when challenge has been made and disallowed, or the place of every Officer successfully challenged has been filled by another Officer to whom no objection is made or admitted, the Court shall proceed as hereinafter provided.

Interpreter's oath.

Article 108.—The Officer conducting the proceedings shall then administer to the Interpreter, or, when necessary, shall himself make as Interpreter, an affirmation or oath as follows :—

"I solemnly affirm, in the presence of Almighty "God, that I will faithfully interpret and translate the proceed- "ings of this Court; and that I will not divulge the sentence "until it shall have been published by authority; and, further, "that I will not disclose or discover the vote or opinion of any "particular member of the Court unless required to give evi- "dence thereof by a Court of Justice or Court Martial, in due "course of law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will faithfully interpret," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

Oaths of President and Members.

Article 109.—The Interpreter, or the Officer conducting the proceedings, shall then administer to the President and each of the Members of the Court Martial an affirmation or oath in such of the following forms as shall be appropriate :—

For European Officers.

"I solemnly affirm, in the presence of Almighty "God, that I will duly administer justice, according to the

"Indian Articles of War, without partiality, favour, or affection; "and if any doubt shall arise, then, according to my conscience, "the best of my understanding, and the custom of war in the "like cases; and that I will not divulge the sentence of the "Court until it shall be published by authority; and, further, "that I will not disclose or discover the vote or opinion of any "particular member of the Court, unless required to give evi- "dence thereof by a Court of Justice or a Court Martial, in "due course of law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will duly administer justice," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

For Native Officers of the Mussulman or Hindú religion, or of any other religion for which it may be appropriate.

"I solemnly affirm, in the presence of Almighty "God, that I will duly administer justice according to the Indian "Articles of War, without partiality, favour, or affection; and if "any doubt shall arise, then, according to my conscience, the best "of my understanding, and the custom of war in the like cases; "and that I will not divulge the sentence of the Court until it "shall be published by authority; and, further, that I will not "disclose or discover the vote or opinion of any particular member "of the Court, unless required to give evidence thereof by a "Court of Justice or a Court Martial, in due course of law."

Judge Advocate's oath.

Article 110.—The Interpreter, or any other European Officer of the Court, shall then administer to the Judge Advocate, or Superintending Officer, the following affirmation or the following oath:—

"I solemnly affirm, in the presence of "Almighty God, that I will not, upon any account whatsoever, "disclose or discover the vote or opinion of any particular mem- "ber of the Court Martial, unless required to give evidence

"thereof as a witness by a Court of Justice or a Court Martial, "in due course of law; and that I will not, unless it be necessary "for the due discharge of my official duties, disclose the sentence "of the Court until it shall be published by authority."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will not, upon any account whatsoever, disclose," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

Oaths of Witnesses.

Article 111.—Every person giving evidence at a Court Martial shall be examined on oath, or on affirmation, where affirmation is appropriate and admissible, and shall be duly sworn or affirmed in such of the following forms as may be appropriate :—

For Europeans and persons professing the Christian religion.

"I do swear that what I shall state shall "be the truth, the whole truth, and nothing but the truth. So "help me God,"—

or,

"I solemnly affirm, in the presence of "Almighty God, that what I shall state shall be the truth, the "whole truth, and nothing but the truth."

For Mussulman, Hindú, or other Native Witnesses.

"I solemnly affirm, "in the presence of Almighty God, that what I shall state shall "be the truth, the whole truth, and nothing but the truth."

Oaths to be binding on conscience.

Article 112.—If none of the forms of oath or affirmation prescribed in Articles 108 to 111, both inclusive, are appropriate to any Officer of a Court Martial or any witness, such Officer or witness shall make oath or affirmation to the purport hereinbefore prescribed, in such form as the Court ascertains to be according to his religion or otherwise binding on his conscience.

Re-swearing in case of several trials.

Article 113.—When more trials than one are held by the same Court Martial, every Officer of the Court and every witness before the Court, shall make a fresh oath or affirmation, as hereinbefore prescribed, notwithstanding any previous oath or affirmation.

Presumptive evidence of desertion.

Article 114.—If at any trial for desertion, it is proved that the person tried has been absent without authority for the space of two months, such proof shall be deemed sufficient presumptive evidence of desertion; and the Court may thereupon convict him of desertion, unless he proves that his absence was not wilful, or otherwise rebuts the presumption of desertion arising from the proof of his unauthorized absence.

Reference by prisoner to Government Officer.

Article 115.—If at any trial for desertion, absence without leave, over-staying leave, or not re-joining when warned for service the person tried states, in his defence, any sufficient or reasonable excuse for his unauthorized absence, and refers in support thereof to any Officer in the Civil or Military service of Government, or if it appears that any such Officer is likely to prove or disprove the said statement in the defence, the Court shall address such Officer, and adjourn until his reply is received.

The written reply of any Officer so referred to shall, if signed by him, be received in evidence, and have the same effect as if made on oath or affirmation before the Court.

If the Court is dissolved before the receipt of such reply, or if the Court omits to comply with the provisions of this Article, the convening Officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another Court Martial.

Trial for Desertion.

Article 116.—On any trial for desertion the accused may be found guilty either of desertion or of absence without leave.

Evidence of previous convictions and general character.

Article 117.—When any person subject to these Articles has been convicted by a Court Martial of any military offence, such

Court Martial shall enquire into, and receive and record evidence of any previous convictions of such person, either by a Court Martial, or by a Court of Justice; and shall further, in the case of any person below the rank of a Warrant Officer, enquire into and record the general character of such person.

Evidence received under this Article may be either oral, or in the shape of entries in, or certified extracts from, the Court Martial Books; and it shall not be necessary to prove the signature to such certified extract, nor shall it be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

Voting of Members.

Article 118.—The Members of a Court Martial shall preserve order; and in giving their votes upon any matter, shall begin with the junior in rank.

Except where otherwise specially provided, every decision shall be passed by a majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the person tried.

In matters other than the finding or sentence, the President shall have a casting vote.

Majority requisite to sentence of death.

Article 119.—No sentence of death shall be passed by any General Court Martial, other than a General Court Martial held under an Order in Council, unless such sentence is concurred in by at least two-thirds of the Officers composing the Court, or by five out of seven, or four out of five Officers, when the Court consists of either of those numbers.

A General Court Martial held under an Order in Council may, by the votes of a majority of such Court, pass a sentence of death.

Revision of finding or sentence.

Article 120.—The finding or sentence of any Court Martial may be revised by order of the Officer authorized to dispose of the proceedings.

But no finding or sentence of a Court Martial shall be revised more than once; nor shall any evidence, save evidence as to previous convictions or general character, be received on a revision.

The Court, on revision, shall consist of the same, and the same number of Officers as were present when the original decision was passed, unless any such Officer or Officers shall be unavoidably absent.

In case of such unavoidable absence, the cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision, provided it still consists of the smallest number of Officers of which such Court is by these Articles required to consist.

Procedure to be generally followed.

Article 121.—The procedure laid down in the Articles 106 to 119 (both inclusive) shall be adopted at all trials by Courts Martial save when otherwise specially ordered or provided.

Summoning witnesses.

Article 122.—The Judge Advocate, in the case of a General Court Martial, and the Officer ordering the trial in the case of any other Court Martial may, by summons under his hand, require the attendance before the Court, at a time and place to be mentioned in the summons, of any person, either to give evidence or to produce documents.

In the case of a witness amenable to military authority, the summons shall be sent to the Officer in actual command of the corps to which he belongs, and such Officer shall serve it upon him accordingly.

In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

When a witness is required to produce any particular document in his possession or power, the summons shall describe it with convenient certainty.

Contempts of Court.

Article 123.—Any witness duly summoned, or any other person who commits any contempt of Court in the presence of a Court Martial, or who commits any of the offences described in Article 56, 67, or 68, shall, if subject to these Articles, be proceeded against as they direct; and shall, if not so subject, be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before or towards a Court of Criminal Justice.

Privilege of witnesses.

Article 124.—Every witness, while proceeding to, attending on, or returning from, any Court Martial before which he has been summoned, shall be privileged from arrest in any civil suit or proceeding; and if arrested in any such suit or proceeding, may be discharged by order of such Court Martial.

SUMMARY COURTS MARTIAL.

Persons to attend Summary Court Martial.

Article 125.—Every Summary Court Martial shall be attended by two Commissioned Officers, European or Native, exclusive of the Commanding Officer, holding the trial.

An Interpreter shall, in every case, attend at a Summary Court Martial; but when no other competent Interpreter is available, the Officer holding the trial, or one of the Officers in attendance thereat, may perform the duty of Interpreter.

No Interpreter shall, as such, have a vote upon any matter.

Proceedings of such Courts.

Article 126.—The proceedings of every Summary Court Martial shall be conducted in presence of all the Officers specified in Article 125, and shall be recorded in the English language in the manner usual at other Courts Martial.

Oaths of Interpreter and Officer holding trial.

Article 127.—The Interpreter at a Summary Court Martial shall first make oath or affirmation, as provided by Article 108,

down to the words "published by authority;" and the Commanding Officer holding the trial shall then make oath or affirmation, as provided in Article 109, down to the words "custom of war in the like cases."

The Officers in attendance shall not as such be sworn or affirmed.

Evidence.

Article 128.—All evidence at a Summary Court Martial shall be taken on oath or affirmation, as provided by Article 111.

Any previous convictions on record against the offender, and his general character, shall be recorded by the Commanding Officer as of his own knowledge, or proved as provided by Article 117.

Signature and transmission of proceedings.

Article 129.—The proceedings in every case in which a Regimental Court Martial or a Detachment Court Martial tries an offence not within the ordinary jurisdiction of a Regimental Court Martial, committed on the line of march or on board a vessel, shall be sent for the information of the Commander-in-Chief of the Presidency to which the regiment or detachment belongs, and of the Presidency within which they may be, or to which they are proceeding.

The proceedings of every Summary Court Martial shall, when closed, be signed by the Commanding Officer and the Officers attending the trial, and shall, without delay, be forwarded to the Officer commanding the division or district within which the trial was held; and such Officer, or the Commander-in-Chief in India, or of the Presidency in which the trial was held, is hereby authorized to set aside the trial for reasons based on the merits of the case, but not on any merely technical grounds.

When a Summary Court Martial is held in a force not attached to any Presidency, the Officer commanding such force may exercise the powers given in this Article in regard to setting aside trials.

The proceedings of every other Court Martial shall, when closed, be signed by the members, and shall, without delay, be

forwarded or delivered to the Officer under whose orders the trial has been held.

CHAPTER III.—*Sentences.*

Of General Courts Martial.

Article 130.—(*a.*) Any General Court Martial may, for any offence falling under Articles 7 to 23, both inclusive, and for such offences only, sentence any person subject to its jurisdiction to death, or to transportation for life, or for any period not less than seven years, or to imprisonment (with or without hard labour, and with or without solitary confinement) for any period not exceeding fourteen years.

(*b.*)—Any General Court Martial may, for any offence falling under Article 54, 55, or 56 of these Articles, sentence any person as aforesaid to the penalties attached to such offences in Article 57, and may, for any other disgraceful conduct, award the penalties attached to that offence in Articles 136, 137, and 138.

(*c.*)—Any General Court Martial may, in any case where no special punishments are prescribed, or, in addition to any special punishment, where so authorized, sentence any person amenable thereto to any punishment specified in Articles 131, 132, 133, 135, 137, and 138.

(*d.*)—No Court Martial, other than a General Court Martial, shall have power to award a sentence of death, transportation, or imprisonment exceeding one year.

Any General Court Martial may sentence any Commissioned Officer to be dismissed the service or to be suspended from rank, pay, and allowances for any stated period; or to be placed one or more steps lower in the list of his rank.

No Court Martial, other than a General Court Martial, shall have power to try or punish a Commissioned Officer.

Of General, District, or Garrison Courts Martial.

Article 131.—Any General, District, or Garrison Court Martial, may sentence a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer to be dismissed the service;

or to be suspended from rank, pay, and allowances for any stated period; or to be reduced to a lower grade or class in his department, or to be placed one or more steps lower in the list of his rank.

No Court Martial inferior to a District or Garrison Court Martial shall have power to try or punish any Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer.

Reduction, Dismissal, Corporal punishment, and Imprisonment.

Article 132.—Any Court Martial may sentence a Non-Commissioned Officer to be reduced to the ranks; or to be placed one or more steps lower in the list of his rank;

Or may sentence any person subject to these Articles below the rank of Warrant Officer, to be dismissed the service; or to suffer corporal punishment not exceeding fifty lashes; or to imprisonment with or without hard labour, and with or without solitary confinement, for such periods as are hereinafter prescribed.

Limit of Imprisonment.

Article 133.—Except in the cases provided for in Articles 24 and 57, the limit of imprisonment, whether with or without hard labour and solitary confinement, awardable by Courts Martial under these Articles, shall be for General Courts Martial two years; for District or Garrison Courts Martial one year; and for Regimental or Detachment Courts Martial six months.

Solitary Confinement.

Article 134.—No person shall, under any such sentence, or under one or more sentences, be kept in solitary confinement more than eighty-four days in one year, or more than fourteen days at one time, and there shall be, between the periods of solitary confinement, intervals of ordinary imprisonment at least equal to the period of solitary confinement.

Reduction to ranks.

Article 135.—No Non-Commissioned Officer shall be sentenced by any Court Martial to imprisonment or to corporal punishment, without being first sentenced to reduction to the ranks.

Forfeiture of pay and pension.

Article 136.—On a conviction of any disgraceful conduct, a General, District, or Garrison Court Martial may, in addition to any other punishment which it is empowered to award, sentence the offender to forfeit all advantage as to additional pay, good-conduct pay, and claim to pension on discharge, which might otherwise have accrued from the length or nature of his former service; or to forfeit all such advantage absolutely, whether it has accrued from former service or may accrue from future service.

Forfeiture of arrears of pay.

Article 137.—On any conviction of disgraceful conduct, if the offender be sentenced to dismissal from the service, or if his sentence involve dismissal under Article 155 or Article 157, he shall further be sentenced to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his disgraceful conduct.

Any Court Martial may, in addition to dismissal, or to any punishment involving dismissal under Article 157, sentence any person whom it is authorized to try, to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his misconduct.

Stoppages.

Article 138.—Every offender convicted of disgraceful conduct, whose dismissal from the service is not so awarded or involved as aforesaid, shall, in addition to any other punishment, be sentenced by the Court to be put under stoppages, to the extent provided by Article 139, until the amount of any proved loss or damage arising out of such conduct be made good.

And any Court Martial, in addition to any punishment other than, or not involving, dismissal, may sentence any person as aforesaid to be put under stoppages, to the extent specified in Article 139, until any proved loss or damage arising out of his misconduct be made good.

Extent of Stoppages.

Article 139.—Stoppages under Article 138 shall not be awarded, whether under one or more than one sentence, to a greater extent than, in the case of an Officer, two-thirds, or in the case of any other person, one-half of his monthly pay and allowances; and shall not be so awarded as to extend beyond one year.

Any public money issued to the offender within the said period of one year, shall, for the purposes of this Article, be deemed to be pay and allowances.

Sentence of Transportation or Imprisonment on person already sentenced.

Article 140.—Whenever a sentence of transportation or imprisonment is passed by any Court Martial upon an offender already under sentence of transportation for a limited term, or of imprisonment, the Court may award transportation or imprisonment to commence on the expiration of such previous sentence; notwithstanding that the aggregate of any terms of imprisonment may thus exceed the limit of imprisonment which such Court is by these Articles empowered to award.

Form of sentence of death.

Article 141.—In awarding a sentence of death, a General Court Martial shall, at its discretion, direct that the offender shall "suffer death by being hanged by the neck until he be dead," or shall "suffer death by being shot to death."

CHAPTER IV.—CONFIRMATION AND COMMUTATION OF SENTENCES.

Sentences to be confirmed or otherwise disposed of.

Article 142.—Save in the case of a Summary Court Martial, no decision or sentence of any Court Martial shall be carried into effect until confirmed or otherwise disposed of by—

(*a.*)—In the case of any Court Martial for the trial of any person within his command—the Commander-in-Chief of a Presidency: or

(*b.*)—In the case of any Court Martial for the trial of any person under his command—any Officer authorized in this behalf

by warrant of the Commander-in-Chief of any Presidency, but subject to any restrictions contained in the warrant: or

(*c.*)—In the case of any Court Martial for the trial of any person under his command—any Officer in actual command of troops who is authorized in this behalf by the Governor-General of India in Council, the Governor of Fort Saint George in Council, or the Governor of Bombay in Council:

(*d.*)—In the case of any Court Martial for the trial of any person under his command—any Officer commanding Native troops not attached to the forces of a Presidency who is authorized in this behalf by warrant of the Commander-in-Chief in India:

(*e.*)—In the case of a Detachment General Court Martial held beyond the limits of British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty—the Officer appointing such Court Martial, unless the sentence of such Court Martial exceeds that awardable by a District or Garrison Court Martial, in which case the Commander of Her Majesty's forces with which the offender is serving, shall alone have power to confirm, remit, commute, or annul such sentence:

(*f.*)—In the case of a Regimental Court Martial for the trial of any person under his command—the Officer appointing such Court Martial:

(*g.*)—In the case of a Regimental or other Detachment Court Martial for the trial of any person under his command, where the detachment consists of, or is equal in strength to, three troops or companies—the Commanding Officer:

(*h.*)—But when any such Court Martial is held in a Detachment of less than, or not equal in strength to, three troops or companies, the sentence shall be submitted for confirmation to the Officer commanding the prisoner's regiment, or to the nearest superior Officer holding a command of not less than a regiment, who is hereby empowered to dispose of such sentence in like manner as if the trial had been held by his own order:

Provided that in detached situations beyond sea, or out of British India, or on service in the field, or in cases where immediate example is necessary and reference cannot be made to such regimental or other superior Commanding Officer without detri-

ment to the service, the Officer commanding any detachment, whatever its strength, may dispose of and carry out the sentence of any Detachment Court Martial held by his order.

(*i.*)—Any Commander-in-Chief or Officer mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), and (*g*) of this Article may, subject to the provisions of these Articles, and to the restrictions (if any) in the warrant (if any) by which he is authorized in this behalf, mitigate, remit, commute, or annul any sentence to the execution of which his confirmation is necessary.

Sentence of death.

Article 143.—When a sentence of death has been passed by any General Court Martial, the Officer so authorized, in accordance with these Articles, may confirm such sentence and cause it to be carried into effect, or may, in lieu thereof, sentence the offender to transportation for life, or for any term not less than seven years, or to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years.

Sentence of penal servitude or transportation.

Article 144.—Notwithstanding anything hereinbefore contained, whenever any person, being a European or American, or a legitimate lineal descendant of a European or American, is convicted of an offence punishable under these Articles with transportation, the Court shall sentence the offender to penal servitude instead of transportation, according to the provisions of Act No. XXIV of 1855.

When a sentence of transportation has been awarded by any General Court Martial, the Officer authorized, in accordance with these Articles, may confirm the sentence and cause it to be carried into effect, or may, in lieu thereof, sentence the offender to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years, and not exceeding the term of transportation awarded by the Court.

Sentence of dismissal on Commissioned Officers, &c.

Article 145.—A sentence of dismissal from the service passed by any Court Martial under these Articles upon a Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, may be commuted by the Officer duly authorized to confirm or otherwise dispose of such sentence, to suspension from rank, pay, and allowances for any stated period.

Any sentence on Commissioned Officers, &c.

Article 146.—Except on foreign service, or when reference cannot, without detriment to discipline, be made to superior military authority, no decision or sentence passed upon any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, shall be carried into effect until confirmed or otherwise disposed of by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is serving in a Presidency, by the Commander-in-Chief of such Presidency, or, when the offender belongs to a force not attached to any Presidency, by the Officer commanding the force.

Sentence of corporal punishment.

Article 147.—A sentence of corporal punishment passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for any period not exceeding one year, which might have been awarded by such Court Martial.

Sentence of imprisonment with hard labour.

Article 148.—A sentence of imprisonment with hard labour passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for the term mentioned in the sentence, or for any shorter term.

Sentence of reduction with corporal punishment or imprisonment.

Article 149.—The Officer duly authorized to confirm or otherwise dispose of the sentence of any Court Martial may, in the case of a Non-Commissioned Officer sentenced by any such Court, mitigate a sentence of reduction to the ranks followed by corporal punishment or imprisonment to reduction only,

Commutation of sentence of dismissal on Non-Commissioned Officers.

or may commute a sentence of dismissal from the service to reduction to the ranks.

Chapter V.—Execution of Sentences.

Transportation.

Article 150.—Whenever the sentence of a General Court Martial awarding transportation is duly confirmed, or whenever a sentence of death is duly commuted to transportation, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the sentence or commuted sentence to the Officer in charge of the nearest jail; and such Officer shall give effect to the sentence accordingly, under such order as he may receive from the Local Government.

Imprisonment with hard labour.

Article 151.—Whenever the duly confirmed sentence of any Court Martial awards imprisonment with hard labour, or whenever the sentence of any Court Martial is duly commuted to such imprisonment, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the said sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall detain the offender, under the rules in force, in such jail, according to the exigency of the warrant, or until he is discharged by due course of law.

Place of imprisonment.

Article 152.—The Commander-in-Chief of a Presidency may, as occasion requires, direct that any person under his command and sentenced under these Articles to imprisonment, shall be confined in any jail or other fit place for confinement, situate within the local limits of such command, or may order his removal from any place of confinement under military control to any other such place, or to any jail or other fit place of confinement situate within such local limits.

The Officer commanding any force not attached to any Presidency, shall have the like powers so far as regards persons under his command and jails or other places of confinement situate within the local limits of such command.

Transfer to military custody.

Article 153.—When any person subject to these Articles is confined in any jail or other place not subject to military control, under a sentence of transportation or imprisonment, whether passed by a Court Martial or by a Court of Criminal Justice, the Government of India, or the Local Government of the Presidency or place wherein such person is confined, may order his transfer to military custody,

or may order his removal from one to any other such place of confinement within the territories of such Government.

The period during which such person is in custody during his removal shall be reckoned as part of his term of transportation or imprisonment.

Forfeiture of pay during imprisonment.

Article 154.—Any person subject to these Articles in receipt of public pay, who is imprisoned in any place under the sentence, or commuted sentence, of a Court Martial, or a Court of Criminal Justice, shall, during such imprisonment, if his sentence does not involve dismissal under Article 155 or Article 157, forfeit all pay and allowances, and be entitled to subsistence only, according to the rates prescribed in the regulations of the Government to which he is subject.

And any such person in confinement in any place whatsoever, whether as a punishment by his Commanding Officer, or under any charge of which he is subsequently convicted, shall, during such confinement, forfeit all pay and allowances, and be entitled to subsistence only, according to the regulations of the Government to which he is subject.

Striking Convict off strength of Regiment.

Article 155.—Every person sentenced by any Court Martial, or by any Court exercising jurisdiction in criminal cases, to transportation or to imprisonment with hard labour for any term exceeding three months, shall, in the case of a sentence by a Court Martial, from the date of confirmation of such sentence and in the case of a sentence by a Criminal Court, from the date of such sentence, be struck off the strength of the regiment, corps, or department to which he belongs.

Non-re-admission of Convict.

Article 156.—No person who has undergone any such period of transportation or imprisonment with hard labour, shall be re-admitted to the service, or be entitled to any pension:

Provided that in the case of any illegal sentence duly annulled as aforesaid, or of a pardon under Article 160, such person may, by order of the Government when the offence is non-military, or by order of the Commander-in-Chief of the Presidency when the offence is military, be re-admitted to service, or pension, as the case may be.

Dismissal with ignominy.

Article 157.—Any person below the rank of Warrant Officer sentenced under these Articles to dismissal, or to imprisonment with hard labour, or to corporal punishment for disgraceful conduct, shall, on the confirmation of such sentence, be dismissed with ignominy from the service.

Publication of sentence for disgraceful conduct.

Article 158.—A copy of every confirmed sentence of dismissal, imprisonment with hard labour, or corporal punishment for disgraceful conduct, and of the orders passed thereupon, shall be

sent by the Adjutant-General of the Army to the Chief Civil or Political Officer of the District wherein the offender's place of residence is situated; and such Officer shall publish the sentence and orders at the said place in such manner as may there be usual.

Sentences of Summary Courts Martial.

Article 159.—Any sentence awarded by a Summary Court Martial may be carried into effect forthwith on the Commanding Officer's own authority, and all provisions contained in Articles 151, 152, 153, 154, 155, 156, 157, 158, 160, and 161 as to execution of sentences and dispcsal of prisoners, shall equally apply to persons sentenced by Summary Court Martial.

CHAPTER VI.—PARDONS AND REMISSIONS.

Pardon of person convicted of military offence.

Article 160.—The Governor-General of India in Council, as regards any person subject to these Articles who has been convicted by a Court Martial of a military offence, and the Governors of Fort St. George in Council, and of Bombay in Council, and the Commander-in-Chief of any Presidency, as regards any such person within the territories subject to such Government, or under the command of such Commander-in-Chief, shall have power to pardon such person, and may, instead of granting a full pardon to any such person, remit wholly or in part any punishment awarded to him by a Court Martial, and may order the restoration to such person of any service or other advantage forfeited under his sentence.

Release of prisoners.

Article 161.—Any Officer in charge of a jail, on receiving a notification under the hand of a Secretary to the Government of India, or to the Government of Fort St. George, or to the Government of Bombay, or under the hand of the Commander-in-Chief of any Presidency, or of the Officer commanding any force not attached to a Presidency, or any division or district, that the sentence under which any person subject to these

Articles is imprisoned in such jail, has been annulled or remitted, or that any such person has been pardoned under Article 160, shall, on the authority of such notification alone, immediately release the prisoner or return him to military custody.

CHAPTER VII.—*Regimental Courts of Enquiry.*

Article 162.—If any person subject to these Articles is, without due authority, absent from his duty for two months, a Regimental Court of Enquiry, composed of European or Native Commissioned Officers, or of both in conjunction, shall forthwith assemble, and having received proof on oath or affirmation of the unauthorized absence, shall declare the same, and the period thereof; and the Officer commanding the regiment or corps shall record such declaration in the regimental books.

If the person absent does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction of desertion.

If he surrenders or is apprehended, such record, or a copy thereof, purporting to bear the signature of the Officer having the custody of the regimental books shall, on the trial of such person for desertion, be presumptive evidence of the facts therein recorded; and on proof of the identity of the prisoner with the person therein mentioned, he may be found guilty of desertion.

Persons absent as Prisoners of War.

Article 163.—No person subject to these Articles shall be entitled to any pay or allowances or other public money, or to reckon service during any absence as a prisoner of war.

But when such person rejoins the service, enquiry shall be made by a Court Martial into the circumstances of his absence; and unless it is proved to the satisfaction of such Court that he was taken prisoner through his own wilful neglect of duty, or that he had served with or under, or aided the enemy, or that he had not, as soon as possible, returned to the service, he may be recommended by the Court to receive either the whole or any portion of the arrears due to him, and to reckon his service.

Such recommendation duly confirmed by the Commander-in-Chief of the Presidency, or by the Officer commanding any force not attached to a Presidency, to which the said person belongs, shall entitle him to receive such arrears and reckon service accordingly.

TITLE IV.—POWERS OF OFFICERS INDEPENDENTLY OF TRIAL.

Reduction to ranks.

Article 164.—The Commander-in-Chief of a Presidency, and the Officer commanding any force not attached to a Presidency, shall have, respectively, power to reduce to the ranks Non-Commissioned Officers under their respective command.

Minor Punishments.

Article 165.—The Commander-in-Chief in India shall, under the authority of the Governor-General in Council, prescribe the minor punishments to which persons subject to these Articles shall for light offences be liable, without the intervention of a Court Martial, and shall specify the Officer or Officers by whom, and the extent to which, such minor punishments may be awarded.

No such minor punishment shall be awarded by a Court Martial; and, unless otherwise specially provided by the said Commander-in-Chief, no Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, shall be liable to any such minor punishment.

Good-conduct pay shall not necessarily be forfeited on the infliction of a minor punishment, but forfeiture thereof may be awarded as a substantive punishment, either by order of the Commanding Officer, or by sentence of a Court Martial, as may from time to time be prescribed in the General Orders of the Commander-in-Chief in India or of the Commander-in-Chief of the Presidency, as the case may be.

Whenever a soldier is convicted by a Court Martial, his good-conduct pay shall cease.

Forfeiture of good-conduct pay may be awarded in addition to any other minor punishment.

Offences of Native Followers.

Article 166.—For any offence in breach of good order, the Commanding Officer of any regiment, corps, or detachment, whether European or Native, in camp, or at any frontier post at which troops are stationed, and to which this Article may be specially extended by the Governor-General of India in Council, the Governor of Fort St. George in Council, the Governor of Bombay in Council, or any other Local Government, may sentence any Native follower of such regiment, corps, or detachment, if above the degree of a menial servant, to pay a fine not exceeding fifty rupees, or, in default of payment, or in lieu thereof, to imprisonment for any period not exceeding thirty days, or if the Native follower be not above the degree of a menial servant, to imprisonment not exceeding seven days, or to corporal punishment not exceeding twelve strokes of a rattan.

Imprisonment awarded under this Article may be carried out in a military guard, or in a jail, as ordered by the said Commanding Officer; and the Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

Complaints against Officers.

Article 167.—Any person subject to these Articles, who deems himself wronged by any superior or other Officer, may, if not attached to a troop or company, complain to the Officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the Officer commanding the same.

When the Officer complained against is the Officer to whom any other complaint should, under this Article, be preferred, the aggrieved person shall complain to such Officer's next superior Officer.

No such complaint shall be made to any Officer other than those indicated in the former part of this Article.

Every Officer receiving any such complaint shall examine into it, and, when necessary, refer it to superior authority.

Every such complaint shall be preferred through such channels as may be from time to time prescribed by proper authority; and any person preferring a frivolous or groundless complaint shall be liable to trial by any Court Martial competent to try him, and to such punishment, other than dismissal, corporal punishment, or imprisonment with hard labour, as the Court is empowered by these Articles to award.

Provost Marshals.

Article 168.—For the prompt and instant repression of irregularities and offences committed in the field or on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency, or the Officer commanding the forces in the field; and the powers and duties of such Provost Marshals shall be regulated according to the established custom of war and the rules of the service.

Their duties and powers.

Article 169.—The duties of a Provost Marshal so appointed are to take charge of prisoners confined for offences of a general description, to preserve good order and discipline, and to prevent breaches of the same by persons belonging or attached to the Army.

The Provost Marshal may punish, corporally, then and there, any person amenable to these Articles below the rank of Warrant Officer, who, in his view or in the view of any of his assistants, commits any breach of good order and military discipline:

Provided that such punishment shall be limited to the necessity of the case, and shall accord with the orders which the Provost Marshal may from time to time receive from the Officer commanding the troops:

Provided also that the orders of the said Commanding Officer shall in no case authorize such corporal punishment in excess of that awardable by sentence of a Court Martial.

If the actual commission of the offence is not witnessed by the Provost Marshal, or any of his assistants, but sufficient proof can be

obtained of the offender's guilt, he shall report the case to the Commander of the troops, who shall deal with the case as he may deem most conducive to the maintenance of good order and military discipline.

TITLE V.—NON-MILITARY OFFENCES.

Offences committed within jurisdiction of Criminal Court.

Article 170.—Any person subject to these Articles, who, at any place in British India within the jurisdiction of any Court of Criminal Justice established by Her Majesty, or by the Government of India, or by the Local Government, is accused of any offence against the Indian Penal Code, and not included in the foregoing Articles, shall be delivered over to the nearest Magistrate to be proceeded against according to law.

All persons in, or attached to, the Army, are hereby required, upon application duly made to them for that purpose, to assist the Officers of Justice in apprehending and securing any such accused person.

Any person in, or attached to, the Army, wilfully neglecting or refusing so to assist shall be punished with any punishment, other than death or transportation, awardable under these Articles.

Offences committed out of British India.

Article 171.—In any place out of British India offences against the Indian Penal Code, and not included in the foregoing Articles shall, when committed by any person amenable to these Articles, be cognizable by a General Court Martial to be convened by any Officer who is empowered by warrant, or Order in Council, or by Article 77, to appoint General Courts Martial.

General Court Martial for trial of such offences.

Article 172.—The provisions of these Articles as to the composition and procedure of General Courts Martial, shall, with the exception of those contained in Article 117, apply to General Courts Martial for the trial of non-military offences:

Provided that such General Courts Martial shall, in every case, be attended by a Judge Advocate.

Sentences of such Court.

Article 173.—A General Court Martial held for the trial of a non-military offence, shall, on the conviction of any offender, award punishment in accordance with the provisions of the Indian Penal Code.

Confirmation of sentences.

Article 174.—No decision or sentence passed by any such General Court Martial shall be carried into effect until confirmed or otherwise disposed of by the authority which, under these Articles, is empowered to confirm or otherwise dispose of the sentence of such General Court Martial; and no sentence of death shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is beyond the limits of British India, until confirmed by the Officer commanding Her Majesty's forces with which the offender is serving, or when the offender does not belong to any Presidency, until confirmed by the Commander-in-Chief in India.

Commutation of sentences.

Prisoners.

Article 175.—All the provisions contained in Articles 143, 144, 148, 150, 151, 152, 153, 154, 155, 156, and 161, relating to the disposal of sentences and of sentenced prisoners, shall apply to persons sentenced by a General Court Martial for a non-military offence.

TITLE VI.—EFFECTS OF DECEASED MEN AND OF DESERTERS.

Article 176.—When any person subject to these Articles dies, or is killed in the field, the Officer commanding the regiment, corps, or detachment, or the Officer in charge of the department to which such person belonged, shall, if no representative in interest of such person be on the spot, secure his effects in camp or quarters, and cause an inventory thereof to be made, and a duplicate of such inventory to be lodged with the Officer Commanding, or in charge of the regiment, corps, detachment, or department to which the deceased belonged.

Sale of effects, and discharge of debts.

Article 177.—If there be no representative on the spot, or readily accessible, such Officer shall, without any representation taken out, publicly sell such part of the effects of the deceased in camp or quarters as do not consist of money, and shall pay thereout the debts of the deceased in camp or quarters, the expense of his funeral ceremonies, and his regimental debts of every description; and shall pay the surplus (if any) to the representative in interest of the deceased.

Remittal of Surplus.

Article 178.—In the event of no claim for the surplus of the deceased person's estate being made and established within twelve months of his death, the amount in the hands of the Officer in charge of the estate shall be remitted to the Controller-General of Accounts at Calcutta, or to the Accountant-General to the Government of Fort St. George or of Bombay; or, if the deceased shall have belonged to a force not under any Presidency, to the Controller-General of Accounts at Calcutta.

Sale of effects of Deserters.

Article 179.—The effects in camp or quarters of a deserter shall be publicly sold, and the proceeds, after payment thereout of all regimental or departmental claims, shall be remitted by the Officer Commanding or in charge of the regiment, corps, detachment, or department to which the deserter belongs, to the Controller-General of Accounts at Calcutta, or to the Accountant-General to the Government of Fort St. George or of Bombay.

Remittal of proceeds.

If the deserter belongs to a force not attached to any Presidency, then the said proceeds shall be remitted to the Controller-General of Accounts at Calcutta.

PART III.—MISCELLANEOUS.

Prohibition of Second Trial.

(*a.*)—Persons subject to the Articles contained in Part II of this Act, who have been acquitted or convicted, either by a

Court Martial or by a Court of Criminal Justice, of any offence, whether military or non-military, shall not be again tried or punished for the same offence by any Court whatsoever.

But any such person may be dismissed the service.

Prohibition of Arrest for Debt.

(*b.*)—No person attested under this Act or any previous Articles of War for Her Majesty's Indian Army, shall, so long as he belongs to such Army, be liable to be arrested for debt under any process issued by, or by the authority of, any Court of Law.

The Judge of any such Court may examine into any complaint made by such person or his superior Officer, of the arrest of such person contrary to the intent of this Act, and may by warrant under his hand discharge such person, and shall award reasonable costs to the complainant, who may recover such costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining such process.

The arms, horse, clothes, equipments, regimental accoutrements and necessaries of any such attested person shall not be seized, nor shall his pay and allowances or any part thereof be attached, in satisfaction of any judgment against him or any person whom he may represent.

Breach of Cantonment Rules.

(*c.*)—When any offence in breach of any duly authorized Cantonment rule or regulation is committed by any person not subject to the said Articles, and not a European British subject or an Officer or soldier, the Officer commanding the Cantonment may, where there is no Cantonment Magistrate, summon or order the apprehension of the offender ; and such Officer may (after personally investigating the case) sentence the offender to pay a fine not exceeding fifty rupees ; or in default of payment of, or in lieu of, such fine, to imprisonment in any jail or military guard for a period not exceeding thirty days.

The Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to

the exigency of the warrant, or until he is discharged by due course of law.

Capture of Deserters.

(*d.*)—Whenever any person subject to the said Articles deserts, the Commanding Officer of the regiment, corps, or detachment to which he belongs, shall give written information of the desertion to such Civil, Political, or Police authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter, in like manner as if he were a person for whose capture a warrant had been issued by a Magistrate, and shall deliver the deserter when apprehended to military custody.

Such authorities shall also, by such means as appear to them best adapted for the purpose, prevent persons reasonably suspected to be subject to the said Articles from travelling through the districts subject to their jurisdiction, unless on duty, or furnished with a certificate of leave or discharge.

Any Police Officer may arrest, without warrant, any person so suspected, and shall bring him without delay before the nearest Magistrate, or the nearest Military Commanding Officer when no Magistrate is readily accessible, to be dealt with according to law.

Apprehension of Military Offenders.

(*e.*)—Whenever any person subject to the said Articles, who is accused of any military offence, is within the jurisdiction of any Civil, Political, or Police Officer, such Officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect, signed by his Commanding Officer.

Presumption as to signatures.

(*f.*)—In any proceeding under this Act, any application, certificate, warrant, reply, or other document purporting to be signed by an Officer in the civil or military service of Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

Native Troops serving out of their own Presidency.

(*g.*)—When any portion of the Native troops belonging to any Presidency is serving within the limits of any other Presidency, such troops shall, during such service, for all the purposes of the said Articles, be under the authority and orders of the Commander-in-Chief of the Presidency in which they are serving:

Provided that it shall be lawful for the Governor-General of India in Council to direct that, for the purposes of the said Articles, Native troops serving out of their own Presidency shall continue subject to the authority and orders of the Commander-in-Chief of the Presidency to which such troops belong.

Power to make Orders and issue Warrants.

(*h.*)—The Governor-General of India in Council,

The Governors of Fort St. George and Bombay in Council,

The Commander-in-Chief of any Presidency,

may respectively make all orders and issue all warrants for holding Courts Martial or otherwise, which appear necessary for the purposes of this Act; and in the case of military offences requiring to be disposed of without delay, the Governor-General of India in Council, and the Governors of Fort St. George and Bombay in Council may respectively further authorize any Officer empowered by Order in Council to confirm, commute, remit, or annul sentences in such cases, to refer such sentences for orders to the Commander-in-Chief of the Presidency.

Limitation of Powers.

(*i.*)—Nothing hereinbefore contained shall empower the Commander-in-Chief of a Presidency to re-admit to service or pension any person not within his command, or to authorize any Officer to appoint, or to confirm, commute, remit, or annul the sentences of Courts Martial for the trial of any person not within the command of such Commander-in-Chief, except in the case specified in the proviso in clause (*g*) of this Part,

or shall empower any Government to give directions as to the composition of, or to authorize the appointment of, Courts Martial in any place for the time being subject to any other Government.

Nothing in this Act shall be deemed to affect the authority conferred on the Commander-in-Chief in India by any Act ot Parliament or by Royal warrant or commission.

Power to make Rules.

(*j.*)—It shall be lawful for the Governor-General of India in Council from time to time to make rules consistent with this Act, fo the guidance of Officers, whether Military, Civil, or Political, in all matters connected with its enforcement.

All such rules shall be published in the *Gazette of India*, and shall thereupon be deemed to have the force of law.

The Commander-in-Chief in India, as regards the Presidency of Fort William and forces not attached to any Presidency, may with the previous sanction of the Governor-General of India in Council, and the Commanders-in-Chief of the Presidencies of Fort Saint George and Bombay, as regards their respective Presidencies, may, with the previous sanction of the Local Government, from time to time substitute for the forms of affirmation given in Articles 109 and 111 as appropriate to Native Officers and witnesses, such other forms as may be thought appropriate to Native Officers and witnesses of any religion.

Articles to be read periodically.

(*k.*)—The following Articles, namely, Articles 3, 4, 5, 7 to 71, both inclusive, 90, 91, 92, 93, 94, 125, 126, 130, 131, 132, 133, 135, 136, 137, 138, 139, 154, 167, and 176, shall be read once in every three months at the head of every regiment, corps, troop, or company in the service.

APPENDIX.

PART I.—DEFINITIONS IN THE INDIAN PENAL CODE.

[See PART I, CLAUSE (*e*).]

Wrongful gain.

23. "Wrongful gain" is gain, by unlawful means, of property to which the person gaining is not legally entitled.

Wrongful loss.

"Wrongful loss" is the loss, by unlawful means, of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

Dishonestly.

24. Whoever does anything with the intention of causing wrongful gain to one person, or wrongful loss to another person, is said to do that thing "dishonestly."

Fraudulently.

25. A person is said to do a thing fraudulently if he does that thing with intent to defraud, but not otherwise.

Reason to believe.

26. A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing, but not otherwise.

OF HURT.

Hurt.

319. Whoever causes bodily pain, disease, or infirmity to any person is said to cause hurt.

Grievous Hurt.

320. The following kinds of hurt only are designated as "grievous:"

First.—Emasculation.

Secondly.—Permanent privation of the sight of either eye.

Thirdly.—Permanent privation of the hearing of either ear.

Fourthly.—Privation of any member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt.

321. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said " voluntarily to cause hurt."

Voluntarily causing grievous hurt.

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said " voluntarily to cause grevious hurt."

Explanation.—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending, or knowing himself to be likely, permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days; A has voluntarily caused grievous hurt.

Of Criminal Force and Assault.

Force.

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person

causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion, or change, or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly.—By inducing any animal to move, to change its motion, or to cease to move.

Criminal Force.

350. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(*a.*) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(*b.*) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(*c.*) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A

has therefore used force to Z; and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(*d.*) A intentionally pushes against Z in the street. Here A has, by his own bodily power, moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(*e.*) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten, or annoy Z, he has used criminal force to Z.

(*f.*) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(*g.*) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling. A has therefore intentionally used force to Z; and if he has done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(*h.*) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

Assault.

351. Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation

will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(*a.*) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(*b.*) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(*c.*) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault.

Theft.

378. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1.—A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving, effected by the same act which effects the severance, may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(*a.*) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(*b.*) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(*c.*) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(*d.*) A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(*e.*) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(*f.*) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(*g.*) A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(*h.*) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the

intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(*i.*) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(*j.*) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(*k.*) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.

(*l.*) A takes an article belonging to Z out Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z, as a reward for its restoration. Here A takes dishonestly ; A has therefore committed theft.

(*m.*) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(*n.*) A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z, her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(*o.*) A is the paramour of Z's wife. She gives A valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(*p.*) A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

OF EXTORTION.

Extortion.

383. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion."

Illustrations.

(*a.*) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(*b.*) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(*c.*) A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(*d.*) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper, and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

II.—INDIAN PENAL CODE, CHAPTER V.

OF ABETMENT.

SECTIONS 107 AND 108.

(See *Article* 71.)

Abetment of a thing.

107. A person abets the doing of the thing who—

First.—Instigates any person to do that thing; or,

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or,

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact, and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to, or at the time of, the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abettor.

108. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.—The abetment of the illegal omission of an act may amount to an offence, although the abettor may not himself be bound to do that act.

Explanation 2.—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations.

(*a.*) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(*b.*) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention of knowledge.

Illustrations.

(*a.*) A with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(*b.*) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act, and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(*c.*) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(*d.*) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section, and is liable to the punishment for murder.

EMIGRATION.

ACT No. VI OF 1869.

(Received the assent of the Governor-General on the 5th March 1869.)

Recites the expediency of amending the law relating to the emigration of Native Labourers.

1—3. Amends Acts XLVI. 1860, and XIII. 1864, as respects the assumed length of the voyage from Madras to Reunion, Mauritius, &c.; (2) substitutes

a new section for Act XIII. 1864, section 24; and (3) a new section for Act XIII. 1864, section 31.

4—5. Empowers the Local Government in cases of emergency to deviate from Act XIII. 1864, section 45, as respects the time of sailing from Calcutta for west of the Cape of Good Hope; and (5) alters the regulation space for adult emigrants prescribed by section 47 of same Act.

6. Empowers the Government of India in cases and on grounds assigned to stop emigration to places to be specified in Order.

7. Empowers the Local Governments to permit emigration without the prescribed proportion of females.

8. Repeals Act XIII. 1864, sections 2 and 3, and newly defines the words "Magistrate of the District," &c.

9—10. Empowers the Government of India to raise up to double the fees payable under Act XIII. 1864, sections 19, 27, 34, and to reduce, &c.; and (10) repeals Act XIII. 1864, sections 55, 56, 57, and 80.

11. Indemnifies for acts done conformably with this Act before it came into operation, and gives retrospective effect to section 2 of this Act from March 18, 1864.

WHEREAS it is expedient to amend the law relating to the emigration of Native Labourers; It is hereby enacted as follows:—

Preamble.

I. The probable length of the voyage from Madras to Reunion, Mauritius, or Seychelles shall, notwithstanding anything contained in Act No. XLVI of 1860 *(to authorize and regulate the emigration of Native Labourers to the French Colonies)* or Act No. XIII of 1864 *(to consolidate and amend the law relating to the emigration of Native Labourers)*, section eight, be deemed to be, between the months of November and March inclusive, six weeks.

Probable length of winter voyage from Madras to Reunion or Mauritius.

II. For section 24 of the said Act No. XIII of 1864 the following shall be substituted:—

Licensing of recruiters.

"24. The Protector of Emigrants at each of the three ports aforesaid and the British Consular Agent at each of the French ports in India, shall license so many fit persons as shall to him seem necessary to be recruiters of labourers, and no person shall act or be employed as a recruiter of labourers except under a license from such Protector of Emigrants or British Consular agent."

Persons to license recruiters.

Refund of fee for emigration.

III. For section 31 of the said Act No. XIII of 1864 the following shall be substituted :—

"31. For the registration of every emigrant, the recruiter shall pay to the Magistrate a fee of one rupee. On proof of the desertion of any emigrant before embarkation, the fee paid in respect of such emigrant may be refunded by the Magistrate to the recruiter by whom it was paid, under such rules as shall from time to time be made in that behalf by the Governor-General of India in Council."

Fee for emigration.

Time of sailing for places west of Cape.

IV. Notwithstanding anything contained in the same Act, section forty-five, the Local Government may, in cases of emergency, permit emigrants for any place west of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

Increase of space allowed to adult emigrants.

V. Notwithstanding anything contained in the same Act, section forty-seven, no compartment in an emigrant ship shall take more than one adult emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who shall have completed two and shall not have completed ten years of age for every eight superficial feet on deck.

Power to prohibit emigration.

VI. Whenever the Governor-General of India in Council or the Local Government has reason to believe that in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage,

the said Governor-General in Council or the Local Government may, by notification published in the *Gazette of India* or

the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Local Government under this section may be cancelled by order of the said Governor-General in Council.

Power to relax rule as to proportion of women.

VII. Notwithstanding anything contained in the said Act No. XIII of 1864, section sixty-three, or in any rules made or to be made by the Governor-General of India in Council pursuant thereto, the Local Government may, in cases of emergency, permit any vessel carrying emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

"Magistrate of the District."

VIII. The third clause of section two of the same Act is hereby repealed, and the phrases "Magistrate of such District" and "Magistrate of the District," wherever they occur in such Act, shall be held to mean any officer exercising in such District the full powers of a Magistrate.

Power to increase fees.

IX. The Governor-General of India in Council may, from time to time by notification in the *Gazette of India*, increase any fee payable under sections nineteen, twenty-seven, and thirty-four of the said Act No. XIII of 1864, and may also in like manner reduce to its present amount any fee so increased provided that no fee shall be increased under this section by more than double such amount.

Repeal of Act XIII of 1864, sections 55, 56, 57, 80.

X. Sections fifty-five, fifty-six, fifty-seven, and eighty of the said Act No. XIII of 1864, are hereby repealed.

Indemnification.

XI. All persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

This section shall come into operation at once; section two shall be deemed to have come into operation on the eighteenth day of March 1864; and the rest of this Act shall come into operation on the first day of May 1869.

Commencement of Act.

BRITISH BURMA FOREST RULES.

ACT No. VII OF 1869.

(Received the assent of the Governor-General on the 12th March 1869.)

An Act to give validity to certain Rules relating to Forests in British Burma.

Recites that Rules were framed on 2nd August 1865 under Act VII. 1865, and confirmed, &c., on 12th August 1865; and that certain of those rules relating to timber not the produce of the Forests want validity, &c.

1—2. Gives retrospective and prospective validity to the recited Rules; and (2) establishes indemnity for all acts done under them before the passing of this Act.

WHEREAS certain Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, were framed under Act No. VII of 1865 *(to give effect to Rules for the management and preservation of Government Forests)*, and were confirmed by the Governor-General of India in Council and published in the *Gazette of India*, dated the twelfth day of August 1865; and whereas certain of the said Rules relate to timber not the produce of such forests, and it is expedient to validate such Rules and to indemnify the officers and other persons who have acted under them; It is hereby enacted as follows:—

Preamble.

I. The Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, shall, from such day down to the passing of this Act, be deemed to have had the force of law as regards all timber to which they purport to relate, and shall continue in force until the said Governor-General in Council shall otherwise order.

Validation of Burma Forest Rules.

II. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

Indemnification of officers.

CODE OF CRIMINAL PROCEDURE AMENDMENT ACT.

ACT No. VIII OF 1869.

(Received the assent of the Governor-General on the 12th March 1869.)

An Act further to amend the Code of Criminal Procedure.

Recites the expediency of amending the Code of Criminal Procedure.

1—3. Entitles the Act as above; (2) repeals Act XXVI. 1861, sections 187, 386, 420; Acts XXXIII. 1861, XV. 1862, and VIII. 1866; and substitutes a new Schedule for the specified number of the Schedule annexed to the Code of Criminal Procedure; and (3) amends sections 26 to 31 and 33 of the same Code by repealing the words "or division and divisions of a District" therein.

4. Makes the specified additions to the following sections of the Code:—3, 23, 31, 36, 40, 44, 49, 61, 66, 70, 75, 77, 86, 99, 114, 115, 121, 127, 130, 131, 132, 133, 137, 140, 150, 158, 161, 164, 173, 179, 185, 203, 208, 209, 210, 211, 221, 222, 226, 248, 249, 257, 262, 270, 276, 280, 308, 310, 311, 312, 313, 314, 322, 331, 363, 371, 372, 373, 374, 376, 379, 380, 383, 384, 388, 395, 406, 409, 413, 415, 421, 422, 427, 432, 435, 438, 440, 445.

23A. Empowers the Local Governments, &c., to confer specified powers on any officer; (23B) confers on acting or temporary officers full powers, &c.; (23C) empowers the Local Government to prescribe the local jurisdiction of a Magistrate of the District, &c., as defined in section 14, and (23D) as defined in section 18; (23E) continues in officers transferred the same powers as in their original District; and (23F) empowers the Government to vary or cancel any powers; (23G) preserves the subordination of all other Magistrates to the Magistrate of the District; and (23H) empowers the Government to invest Magistrates in charge, &c., with all the powers conferred by sections 36, 66, 132, 308, 316, and 318, on full Magistrates, &c.

31A. In specified charges under section 368 of the Indian Penal Code the inquiry may be in any District in which any of the circumstances of the offence have occurred.

36. Authorizes Magistrate to withdraw cases from Subordinate Court and try them himself.

40A. Subordinate Magistrate not to exercise powers under this section unless they are also Justices of the Peace.

44. Empowers Criminal Courts to apply fines for specified purposes, &c.

49A. The powers under this section may be exercised by the Inspector-General of Jails, &c.

61. Enlarges the procedure for the levy of fines.

66A. Empowers the Local Government to define the jurisdiction of Matrates, &c., as respects the hearing of complaints, &c.; and (66B) empowers Magistrates to authorize subordinates to entertain complaints made to Police Officers.

70. Empowers Magistrates to cause service of summonses to be made by others than Police Officers.

75. Extends the provisions of this section to the issue, &c., of all summonses except to serve as a juror or assessor, &c.

77, 86. Magistrates may direct warrants to others than Police Officers; and (86) may send warrants in specified cases by post.

99. Extends the provisions of this section to all warrants of arrest.

114, 115, 121. Empowers Magistrates to issue search-warrants for the search of any place; and (115) to direct search-warrants to other persons than Police Officers; and (121) to send search-warrants by post in specified cases, &c., and prescribes the duty of the receiver of such warrants, and what shall be done with property found.

127, 130—132. Enlarges the power of Magistrates to issue warrants for the search of places suspected to contain goods, &c., of kinds specified; and (130) prescribes the course of procedure to be followed by Police Officers on making seizures, &c.; and (131) directs what is to be done when the owner of property which has been seized is unknown, or (132) does not establish his claim.

132A—132C. Empowers Courts to make order for the disposal of property produced before them; and (132B) saves powers of Court of Appeal as respects such orders; and (132C) authorizes such order to be made in terms of a reference to the Magistrate of the District, &c.

133, 137. Prohibits inquiry into offences by Police Officers without order from the Magistrate, except in case of specified offences; and (137) Police Officers not to proceed with an inquiry, if officer in charge of Police Station deems it unnecessary on specified grounds.

140. Orders by officers in charge of Police Station to subordinates to make an arrest to be in writing, and to contain what particulars.

150. Informations, &c., leading to discovery of any material fact may be given in evidence so far as they relate to that fact.

158. Empowers Police Officers in specified case to take recognizance from prosecutor and witnesses for appearance, &c.

161. Directs officers in charge of Police Stations to make inquiry into causes of unnatural sudden death, and to report thereon.

164. Authorizes the Court in cases of commitment, &c., for trial under section 163, &c., to discharge the offender under specified circumstances.

173. Empowers Civil Courts for offences committed before them and triable by the Court of Session to carry on the investigation themselves instead of sending the case to the Magistrate, &c.

179. Empowers District and Acting Magistrates, &c., to issue warrants of arrest in specified cases of offences triable by Court of Session.

185. Authorizes the restoration of property confiscated under section 184, to be restored to the owner under specified circumstances.

203. Prohibits all influence by means of promise, threat, or otherwise to the accused, &c., except as provided in section 209.

208. Extends the provisions of sections 179 to 183 to witnesses for the defence.

209—211. Empowers Magistrates, &c., to pardon offenders in specified cases on specified conditions; and (210) empowers the Court of Session to direct the Magistrate to tender a pardon in specified cases and on specified conditions, &c.; and (211) prescribes cases in which notwithstanding tender of pardon, party may be directed to be committed.

221. Extends to every Criminal Court the powers given by sections 219, 220, &c.

222. Directs that all warrants of commitment shall be in writing, in specified form.

226A. If reason appears on the depositions to believe that the person accused was insane, &c., the Magistrate shall send him to the Court of Session, &c.

248. Empowers Magistrate to issue warrant for arrest in case of offence punishable with imprisonment not exceeding six months and triable by him.

249. Extends sections 108 to 206, 212 to 221, and section 224 to cases triable under this chapter, &c.

257. Empowers Magistrate, &c., to issue summons in case of offence punishable with not exceeding six months, &c., and on specified case to issue warrant.

262A. Empowers Magistrate to examine person accused, &c.

270. Empowers Magistrates on dismissal of case as frivolous and vexatious to award compensation not exceeding 50 rupees, recoverable how, &c.

276. Directs Subordinate Magistrate in cases apparently beyond his jurisdiction, &c., to send case to the Magistrate having jurisdiction, &c.

280. Empowers Magistrates, &c., on conviction for rioting and other specified offences to require the convict to enter into recognizance to keep the peace, &c.

308, 310, 312—314. Empowers Magistrate to issue provisional orders for abetment of specified nuisances and public injuries; and (310) directs the procedure in case of objection, &c., to such orders; and (312) gives a right to have the case referred to a jury, &c.; and (313) empowers the Magistrate in specified case to stay proceedings on the order, or (314) in specified case to issue injunction, &c.

322. Empowers the Local Government to order trials before Court of Sessions, &c., to be by jury, &c.

331. Gives enlarged powers to Collectors, &c., for the revision of jury lists, &c.

363. If accused refuses to plead or claims to be tried, Court shall proceed to try, &c.

371. Lays down a rule as to dying declarations.

372—374, 376. Empowers the Court at close of case for the prosecution to record acquittal if no grounds for proceeding further, &c.; and (373) authorizes the Court to put any questions to accused at close of case for prosecution, but accused may refuse to answer; and (374) entitles the accused, &c., to address the Court, &c.; and (376) the prosecutor to reply, &c.

379A. In case of several charges, if there is a conviction on one, the prosecutor may withdraw the others, &c.

380A. Extends sections 367 to 371 to all Criminal Courts.

383. Directs after confirmation of a sentence by the High Court immediate despatch of the confirming order, and execution forthwith.

384, 385. Directs procedure for execution to be what in case of conviction before the Court of Session, and what in case of conviction before inferior Court; and (385) directs what the officer of the jail shall do on receipt of the warrant.

395, *clauses* 1, 2, 3. Gives officers in charge of a jail and visitors of Lunatic Asylums power to visit lunatic prisoners under section 390 or section 394, and directs certificates to what effect to be given.

406. Directs the High Court what to do after revision of sentence, and Subordinate Court to carry out revised sentence.

409, 413, 415, 421, 422, 427. Gives an appeal to the Court of Session against order to give security for good behaviour, &c.; and (413) against convictions under chapter 10, and limits the time for appealing, &c.; and (415) lays down general rule as to time for appealing to High Court and other Appellate Courts; and (421) empowers Appellate Court to suspend the sentence pending the appeal; and (422) to direct further enquiry into case

by Court below, &c.; and (427) to annul the conviction when Court below was not competent, &c.

432. Gives the accused the right of being defended by Counsel, &c., in any Criminal Court.

435. Empowers Court of Session and Magistrate respectively, to order trial of persons discharged by their Subordinate Courts respectively, and the Court of Sessions to annul conviction before a Magistrate not having had jurisdiction.

438. Authorizes payment of expenses of prosecutors and witnesses, subject to rules and sanction, &c.

440. Entitles parties to copy of sentence, at their own expense, where and when free of expense.

445A—445D. Confers powers on the chief officer of Non-Regulation District where Code of Criminal Procedure is extended to such District; and (445B) directs such officer to be guided by the Code as a Court of Session, &c.; and (445C) gives an appeal to the High Court; and (445D) to the High Court powers of revision, &c.

Preamble.

WHEREAS it is expedient further to amend the Code of Criminal Procedure; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Code of Criminal Procedure Amendment Act, 1869:" it shall be read with and taken as part of Act No. XXV of 1861, and it shall come into operation on the first day of June 1869.

Repeal of Acts.

2. The following Acts are hereby repealed, (that is say)— Act No. XXV of 1861 *(the Code of Criminal Procedure)*, sections 187, 386, and 420, Act No. XXXIII of 1861 *(to amend the schedule annexed to the Code of Criminal Procedure)*, Act No. XV of 1862 *(to amend the Code of Criminal Procedure)*, and Act No. VIII of 1866 *(further to amend the schedule to the Code of Criminal Procedure)*.

Repeal of schedule.

The schedule annexed to the said Code is hereby repealed, and the schedule annexed to this Act shall be read in lieu thereof.

Amendment of certain sections of Code of Criminal Procedure.

3. The following sections of the Code of Criminal Procedure, namely, sections 26, 27, 28, 29, 30, 31, and 33, shall be read as if the words "or division of a district," and the words

" or divisions of a district" and the words " or of two or more divisions of a district" were omitted therefrom.

New sections.

4. The said Code shall be read as if such of the following sections as are distinguished by numbers and letters were respectively inserted next after the sections of the said Code distinguished by those numbers.

Of the following sections, those distinguished by numbers only shall be substituted for the corresponding sections in the same Code, which are hereby repealed.

Local Government may delegate its power of appointing Magistrates.

23A. With the sanction of the Governor-General in Council, the Local Government may delegate, with such limitations as it may think proper, to any officer under its control, the power conferred by section 23.

Succession to vacancies in the office of the Magistrate of a District.

23B. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

Power to determine local jurisdiction of a Magistrate of a District.

23C. The Local Government may, by notification in the official Gazette, prescribe the local jurisdiction of a Magistrate of the District, as defined by section 14, and may by such notification from time to time alter such jurisdiction.

Power to appoint Magistrates in charge of divisions of Districts.

23D. The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 18 to be deemed a division of a District, and may from time to time alter the limits of such local jurisdiction.

Continuance of powers of officers transferred.

23E. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government

shall otherwise direct, continue to exercise the same powers in the District to which he is so transferred.

Powers may be varied or cancelled.

23F. The Local Government may vary or cancel any powers with which any person may have been invested under this Act.

Subordination of all Magistrates to the Magistrate of the District.

23G. Except as otherwise provided in this Act or by any other law for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

Delegation of certain powers of the Magistrate of a District.

23H. The Local Government may, with such limitations as it may think proper, invest any Magistrate in charge of a division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 36, 66, 132, 308, 316, 318.

Concealment, &c., of kidnapped person.

31A. If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

Magistrate may withdraw any case from a subordinate Court, and try it himself or refer it to any other such Court.

36. The Magistrate of the District, or a Magistrate in charge of a division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

Certain Subordinate Magistrates not to hear complaints against European British subjects.

40A. No Subordinate Magistrate who is not a Justice of the Peace shall exercise the authority conferred by section 40, unless he is empowered under section 38.

Court may apply portion of fine in compensation for loss or damage.

44. Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation,

(1) for expenses properly incurred in the prosecution,

(2) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months shall have elapsed from the date of the award.

Power conferred under section 49 of the Code may be exercised by Inspector-General of Jails.

49A. The power conferred on the Local Government by section 49 may be exercised, under the orders and subject to the control of Government, by the Inspector-General of Jails.

Levy of fine.

61. Whenever an offender is sentenced to pay a fine, the Court which sentences him, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender. Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

Local Government to define what Magistrates and Subordinate Magistrates shall be empowered to entertain complaints preferred directly to themselves or on report of Police Officer.

66A. The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police Officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 38.

Magistrate of District may invest any Magistrate or Subordinate Magistrate with powers described in section 66A.

66B. The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases either on complaint preferred directly to themselves or on the report of a Police Officer.

70. A summons shall ordinarily be issued through a Police Officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

Summons by whom served.

75. The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provisions in this chapter relating to a summons and its issue applicable to all summonses

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

77. A warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

Warrants to whom directed.

86. A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

Warrants to be endorsed may be sent by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 84.

99. The provisions relating to a warrant and its service and issue contained in this chapter shall be applicable to every warrant of arrest issued under this Act.

Provisions in chapter V relating to a warrant and its issue applicable to all warrants.

114. When a Magistrate considers that the production of anything is essential to the conduct of an enquiry into an offence known or suspected

Search-warrant when grantable.

to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within the jurisdiction of such Magistrate.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place, or part so specified.

Direction of search-warrant.

115. A search-warrant shall ordinarily be directed to a Police Officer, but the Magistrate issuing the warrant may, if he see fit, direct it to any other person.

Magistrate may send search-warrant by post to the Magistrate of another District.

121. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

Procedure to be observed by such Magistrate.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in sections 118 and 119.

Search of house suspected to contain stolen property or forged documents.

127. If the Magistrate of the District, or a Magistrate in charge of a division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

or that any forged documents or counterfeit stamps or false seals or any counterfeit coin, or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police Officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Procedure by Police Officer upon seizure of property.

130. The seizure by any Police Officer of property alleged or suspected to have been stolen, or of property seized by any Police Officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 131 and 132 :

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

Procedure where the owner is unknown.

131. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and in case of such detention shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

132. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

Procedure if no claimant appear within six months from date of proclamation.

132A. When the trial in any Criminal Court is concluded, the Court at the time of passing judgment may pass such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

Order for disposal of property.

132B. Any Court of appeal, reference, or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter, or annul it.

Stay of such order.

132C. The order passed by any Court under section 132A or 132B may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if he were acting under sections 130, 131, and 132 under the circumstances mentioned in section 130, and the seizure had been reported to him by the Police.

Order may take form of reference.

133. Except as provided in section 108, no Police Officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in column 3 of the schedule annexed to this Act, as offences for which a Police Officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police Officer or otherwise, to direct enquiry to be made by a Police Officer into any offence punishable under the Indian Penal Code or under any special or local law.

Police Officers to make enquiry into certain offences only when directed to do so by Magistrate.

137. Provided also that, if it appear to the officer in charge of a Police station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

If officer in charge of Police station see no sufficient ground for an enquiry.

140. When any officer in charge of a Police station requires any officer subordinate to him to make, without a warrant, an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police Officer required to make the arrest an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

Procedure when a Police Officer deputes another.

The provisions of sections 82, 90, 91, 92, 93, 94, 95, and 96 shall be applicable to every order in writing issued under this section.

150. Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence or in the custody of a Police Officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact thereby discovered may be received in evidence.

So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.

158. Every prosecutor and witness, whose attendance before the Magistrate is deemed necessary by the Police Officer making the enquiry, shall execute a recognizance in the form (E) given in the Appendix hereto or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

Such day shall be the day whereon the accused person is to appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed, shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police Officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

Police to make immediate enquiry and report on unnatural and sudden deaths.

161. The officer in charge of a Police station on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

The report shall be signed by such Police Officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate.

When there may be any doubt regarding the cause of death, such Police Officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay it shall be the duty of the head of the village to make the enquiry and report as aforesaid.

Discharge of an offender on his submission.

164. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial under section 163, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

173. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a

Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section the Civil Court may exercise all the powers of a Magistrate.

Magistrate may issue his warrant.

179. When a complaint is made to the Magistrate of the District or any other officer exercising the powers of a Magistrate, or to any Subordinate Magistrate empowered to commit persons for trial before the Court of Session, that any person has committed, or is suspected to have committed, any offence triable exclusively by the Court of Session, or which, in the opinion of such Magistrate, ought to be tried by the Court of Session, such Magistrate may issue his warrant to arrest such person :

Provided that, in any such case the Magistrate to whom such complaint is made may, if he thinks fit, instead of issuing in the first instance his warrant to arrest the accused person, issue his summons requiring him to appear to answer to such complaint.

May issue a summons instead of a warrant.

Restoration of property declared to be forfeited.

185. When any person whose property has been declared to be at the disposal of Government under section 184 appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or if the same has been sold, the proceeds thereof, shall be restored to him.

No influence to be used to induce disclosures.

203. Except as provided in section 209 no influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

Sections 188 to 192 to apply to witnesses for defence.

208. The provisions of sections 188 to 192 (both inclusive) shall be applicable to witnesses named in support of the defence, who may be summoned by the Magistrate.

209. The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 26, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column 7 of the schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Magistrate may tender pardon to accomplice.

If any person accepts a tender of pardon under this section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

210. The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

High Court or Court of Session may direct tender of pardon.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

211. When a pardon has been tendered under section 209 or section 210, if it appears to the Magistrate before the committal or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered,

When High Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

In what cases the powers given by sections 219, 220, may be exercised.

221. The powers given by sections 219 and 220 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

Provided that the Magistrate or Court may at his or its discretion remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

All orders passed by any Magistrate under this section or section 219 or section 220 shall be subject to revision by the Magistrate of the District.

Warrant of commitment how to be directed, &c.

222. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor, or other officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the Appendix to the said Code or to the like effect.

When accused appears to have been insane.

226A. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which if he had been of sound mind would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session:

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, such person shall be sent for trial before the High Court.

248. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months, such Magistrate may issue his warrant to arrest such person :

Cases in which Magistrate may issue a warrant.

Provided that in any such case the Magistrate to whom the complaint is made may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

Summons instead of warrant.

249. The provisions of sections 180 to 206 (both inclusive) and of sections 212 to 221 (both inclusive) and of section 224 shall be applicable to cases tried under this chapter :

Issue of process, &c.

On completing the examination of a witness under this section, the Magistrate, in addition to the memorandum required by section 199, shall record such remarks as he may think material respecting the demeanour of any witness while under examination.

257. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable with fine only, or with imprisonment for a period not exceeding six months, the Magistrate may issue his summons directed to such person, requiring him to appear at a certain time and place before such Magistrate to answer to the complaint :

Cases in which summons shall issue.

Provided that, if the Magistrate is satisfied or has reason to believe that the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such person.

When warrant may issue.

262A. The Magistrate may examine the accused person subject to the provisions of sections 202, 203, 204, and 205.

Examination of accused.

Compensation in cases of frivolous or vexatious complaints.

270. Whenever the Magistrate dismisses the complaint as frivolous or vexatious, he may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable:

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them:

Recovery of such compensation.

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum shall be sooner paid.

Procedure of Subordinate Magistrate in cases beyond his jurisdiction.

276. If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial, he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District may direct:

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial:

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court:

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissable as evidence.

Personal recognizance to keep the peace in cases of conviction.

280. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures

with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session :

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

Where the convicting officer has not the powers of a Magistrate.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of the District, or other officer exercising the powers of a Magistrate to whom such officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

Magistrate may order removal of nuisances.

308. Whenever the Magistrate of a District, or of a division of a District, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public,

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well

(as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

Person ordered shall obey, or may claim a jury.

310. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Constitution of jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant:

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority :

Suspension of order.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate :

Procedure in case of non-appointment of or neglect by jury.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

311. If the person to whom the order mentioned in section 308 is issued does not obey such order,

Procedure in case of disobedience or neglect by person ordered.

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code ;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

312. If, in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that in case of disobedience he will be liable to the penalty provided by section 188 of the Indian Penal Code.

Procedure where jury finds Magistrate's order to be reasonable.

If such latter order is not obeyed, the Magistrate may proceed as in section 311.

Procedure where person ordered satisfies Magistrate that the order is not reasonable.

313. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Injunction pending enquiry by jury.

314. If, pending the enquiry by a jury, the Magistrate that issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 308 as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

Local Government may order trials before Court of Session to be by jury.

322. The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any district, and such Local Government may from time to time revoke or alter such order.

The Local Government may also, if it see fit, direct that, in any district or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders passed under this section shall be published in the Government Gazette, and in such other manner as the Local Government shall from time to time direct.

Revision of list.

331. The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment

to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 335, and insert the name of any person omitted from the list whom he deems qualified for such service.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

Refusal to plead, or plea of claim.

363. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors and to try the case.

Dying declaration.

371. The declaration of a deceased person, whether it be reduced to writing or not and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Defence.

372. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

When accused person may be examined.

373. The Court, at the close of the case for the prosecution, and at the close of the evidence on behalf of the accused person (if he produces any evidence), may put any questions to the accused person which it may think proper.

It shall be in the option of the accused person to answer such questions, and after such questions shall have been answered by the accused person, he or his counsel or agent may address the Court on the subject thereof.

The provisions of section 204 shall apply to examinations under this section.

374. The accused person or his counsel or agent may, at his option address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

When accused may address the Court.

379A. In trials before a Court of Session, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government pleader or other officer conducting the prosecution may with the consent of the Court withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

Withdrawal of remaining charges on conviction on one of several charges.

380A. The rules contained in sections 367, 368, 369, 370, and 371, shall be applicable to all trials and enquiries before Criminal Courts.

Rules of evidence.

383. In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Such Court shall, if the sentence be confirmed, immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined to cause the sentence or order to be carried into execution; or in the case of any other order, shall cause such order to be carried into effect.

Execution of sentence of Court in cases referred to the High Court for confirmation of sentence.

384. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

Court of Session to send copy of finding and sentence to District Magistrate.

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him with a warrant for the execution of the sentence to the officer in charge of the jail of the district in which the trial was held.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person with a similar warrant for the execution of the sentence to the officer in charge of the jail of the district in which the trial was held.

Procedure after sentence passed by Court inferior to Session Court.

385. Upon the receipt of a warrant under section 383 or 384, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Execution of sentence under section 383 or 384.

395. *Clause* 1.—When any person is confined under the provisions of section 390 or section 394, the officer in charge of the jail, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such officer in charge of the jail or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Lunatic prisoners to be visited.

Clause 2.—If such person is confined under section 390, and such officer or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session shall appoint; and such Magistrate or Court shall deal with such person under the provisions of section 392, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner is certified to be capable of making his defence.

Clause 3.—If such person is confined under the provisions of section 394, and such officer or visitor aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has

Procedure where lunatic confined under section 394, is declared capable of being discharged.

not been already sent to such an Asylum, and shall appoint a commission consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers whereof the chief medical officer attached to the Lunatic Asylum shall be one. The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as shall be necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

Proceedings of a case revised by High Court to be certified to Court in which conviction was had.

406. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or, if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and if necessary the record shall be amended in accordance therewith:

Proviso.

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

Appeals from Magistrates.

409. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 295 or section 296 to give security for good behaviour, may appeal to the Court of Session of the District.

Appeals from orders under chapter X.

413. Any person convicted by any Civil, Criminal, or Revenue Court under chapter X of this Act may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 416, 417, 418, 419, 420, 421, and 422.

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as last aforesaid.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Period for presenting petitions of appeal.

415. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Appellate Court may suspend sentence pending appeal, and release defendant on bail.

421. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail; and the High Court may exercise the same authority in cases coming before it as a Court of revision.

Appellate Court may direct further enquiry, &c.

422. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to dispose of the appeal in the manner prescribed by section 419.

Unless the Appellate Court otherwise direct, the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The provisions of chapter XII relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

Court of appeal how to proceed in case of conviction by a Court not having jurisdiction.

427. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Right of accused to be defended by counsel.

432. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders. Provided that any such person may with the permission of the Court (but not otherwise) employ any other person not being a barrister, attorney, or pleader to assist him in his defence.

When Court of Session may order commitment of person discharged by Magistrate.

435. In the case of offences specified in the seventh column of the schedule to this Act annexed as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session consider that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the conviction and sentence and direct the commitment of the accused person for trial before itself.

Expenses of prosecutors and witnesses.

438. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor-General of India in Council, the Criminal Courts may order payment on the part of Govern-

ment of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

Copy of sentence or order to be furnished on application.

440. A copy of the final sentence or order passed by any Criminal Court together with the reasons for passing or making the same shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court for any special reason sees fit to grant such copy free of expense.

Extension of Code of Criminal Procedure.

445A. When under the provisions of section 445 this Act has been or shall be extended to any part of the territories not subject to the general Regulations of Bengal, Madras, or Bombay, the Governor-General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of the said Code to pass sentence of imprisonment of either description for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine, or both.

Procedure in cases triable by the Court of Session.

445B. Such chief officer shall try as a Court of Session offences which, under the schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by the rules contained in chapter XXV of this Code.

Appeals.

445C. Any person convicted on a trial held by any officer invested with the power described in section 445A may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

When High Court consists of one Judge.

445D. When the High Court of reference, revision, or appeal in any part of the territories to which this Code has been or shall be extended as aforesaid, consists of a single Judge, he shall have all the powers of two or more Judges of the Sadr Court under sections 398 and 401.

SCHEDULE.

Explanatory Notes.—1*st.*—The entries in the 2nd and 6th columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the 1st column.

2*nd.*—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3*rd.*—Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example, a Court of Session may try an offence entered in column 7 as triable by a Magistrate.

4*th.*—The words "Magistrate of the District," as used in column 7, shall include any officer exercising the powers of a Magistrate.

5*th.*—The words "any Magistrate," as used in column 7, shall include any Subordinate Magistrate of the 1st or 2nd Class.

6*th.*—In the territories in British India to which the General Regulations of Bengal, Madras, and Bombay do not extend, the powers given by this Act shall be exercised by such officers as the Local Government of those territories respectively shall appoint.

7*th.*—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

CHAPTER V.—OF ABETMENT.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.

CHAPTER V.—OF ABETMENT—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.

	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years, and fine.	Ditto.	
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.	
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.	
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.	
	If the offence be not committed ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Ditto.	
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.	
	If the offence be punishable with death or transportation.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years.	Ditto.	

CHAPTER V.—OF ABETMENT—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If the offence be not committed ...	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to ½ part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to ½ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.
	If not committed	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to ½ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Death, or transportation for life, and forfeiture of property.	Court of Session.	
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.	
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.	
124	Assaulting Governor-General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.	
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.	
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.	
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.	

CHAPTER VI.—OFFENCES AGAINST THE STATE—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Simple imprisonment for 3 years, and fine.	Court of Session, or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.

134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.	
135	Abetment of the desertion of an officer, soldier, or sailor.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.	
136	Harbouring such an officer, soldier, or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Fine of 500 rupees ...	Ditto.	
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.	
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.	

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being a member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.	
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.	
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
147	Rioting	May arrest without warrant	Warrant ...	Bailable ..	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
148	Rioting armed with a deadly weapon	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.	
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.	
	If not committed	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.	
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Magistrate of the District, or Subordinate Magistrate of 1st Class.	
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Fine	Ditto.	
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.	
158	Being hired to take part in an unlawful assembly or riot.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
	Or to go armed	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.	
160	Committing affray	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.	

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
162	Taking a gratification in order by currupt or illegal means to influence a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.

167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	mprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.	
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.	
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.	
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.	
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.	

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.

	If the document is required to be produced in or delivered to a Court of Justice.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	...	Ditto	...	Ditto	..	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the information required respects the commission of an offence, &c.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto	..	Ditto	...	Ditto	...	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—*(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
181	Knowingly stating to a public servant on oath as true that which is false.	Shall not arrest without warrant.	Warrant	Bailable	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto	Summons	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	Ditto	Ditto	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	Ditto	Ditto	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.

187	Omission to assist public servant when bound by law to give such assistance.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	If such disobedience causes danger to human life, health, or safety, &c.	Ditto	...	Ditto	...	Ditto	...	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.		Warrant	...	Bailable	...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	The same as for the offence	Ditto.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

199	False statement made in any declaration which is by law received as evidence.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for 10 years.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with less than 10 years' imprisonment.	Ditto	...	Ditto	...	Ditto	...	Imprisonment for ½ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District.
203	Giving false information respecting an offence committed.	Ditto	...	Warrant	.	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
209	False claim in a Court of Justice ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.	
212	Harbouring an offender if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto	Imprisonment of either description for 5 years, and fine.	Ditto.	
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.	
	If punishable with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for ½ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.	
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.	
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.	
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for ½ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.	
214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.	

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*(continued)*.

1 Section.	2 Offence	3 Whether the Police may arrest without warrant or not	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code	7 By what Court triable.
	If punishable with transportation for life, or with imprisonment for 10 years.	Shall not arrest without warrant.	Warrant	Bailable .	Imprisonment of either description for 3 years, and fine	Court of Session, or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto .	Ditto	Ditto ...	Imprisonment for ½ of the longest term, and of the description provided for the offence, or fine, or both	By the Magistrate of the District, or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence without causing apprehension of offender.	Ditto ..	Ditto	Ditto ...	Imprisonment of either description for 2 years, or fine or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ..	Ditto .	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for 1 year and not for 10 years.	Ditto ..	Ditto ..	Ditto ...	Imprisonment for ½ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.

217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, with or without fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, with or without fine.	Court of Sessions.
	If under sentence of imprisonment for less than 10 years.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.

	If charged with a capital offence ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
	If under sentence of death ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.	
226	Unlawful return from transportation...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Ditto.	
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.	
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in chapter X of this Code.	
229	Personation of a juror or assessor ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	trict.	

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
231	Counterfeiting or performing any part of the process of counterfeiting Coin	May arrest without warrant.	Warrant ..	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If Queen's Coin	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Court of Session.

236	Abetting in India the counterfeiting out of British India of Coin.	Ditto	...	Ditto	...	Ditto	...	The punishment provided for abetting the counterfeiting of such coin within British India.	Ditto.
237	Import or export of counterfeit Coin knowing the same to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 5 years, and fine.	Ditto.
240	The same with respect to the Queen's Coin.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 10 years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, and fine.	Court of Session.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
245	Unlawfully taking from a Mint any coining instrument.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.

252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto	..	Ditto	...	Ditto	...	Imprisonment of either description for 5 years, and fine.	Court of Session.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
255	Counterfeiting a Government stamp...	Ditto	...	Ditto	...	Bailable	...	Imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
258	Sale of counterfeit Government stamp	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
262	Using a Government stamp known to have been before used.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
263	Erasure of mark denoting that stamp has been used.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
265	Fraudulent use of false weight or measure.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ..	Ditto ...	Fine of 500 rupees ...	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
281	Exhibition of a false light, mark, or buoy.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.	
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.	
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.	
286	So dealing with any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
287	So dealing with any machinery ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Magistrate of the District. or Subordinate Magistrate of 1st Class.	
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.	
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.	

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—(*continued*).

1 Section.	2. Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Summons ...	Bailable ..	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
294	Obscene songs...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting Life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable ...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment for 10 years, and fine.	Ditto.
306	Abetting the commission of suicide ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMUN BODY—(*continued*).

Offences affecting Life—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
307	Attempt to murder	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
	If such act cause hurt to any person...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
	If such act cause hurt to any person ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309	Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, and fine.	Magistrate of the District.
311	Being a thug	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, and fine.	Court of Session.

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto ..	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If act done without woman's consent...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
317	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, or Magistrate of the District.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
323	Voluntarily causing hurt ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
325	Voluntarily causing grievous hurt ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.

328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.	
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.	
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Ditto.	
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.	
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.	
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.	
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, or Magistrate of the District.	
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.	

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CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Hurt—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
337	Causing hurt by an act which endangers human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of Wrongful Restraint and Wrongful Confinement.

341	Wrongfully restraining any person ...	May arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.	
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.	
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.	
346	Wrongful confinement in secret ..	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.	
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c. ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Ditto.	
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warraut.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Criminal Force and Assault—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
364	Kidnapping or abducting in order to murder.	Ditto ..	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto	Ditto.
371	Habitual dealing in slaves ...	May arrest without warrant.	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—(*continued*).

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
372	Selling or letting to hire a minor for the purpose of prostitution.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour ...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session, or Magistrate of the District.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years, and fine.	Court of Session.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Extortion.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Shall not arrest without warrant.	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.	
*	If the offence be an unnatural offence...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.	

Of Robbery and Dacoity.

392	Robbery	May arrest without warrant.	Warrant ...	Not bailable ...	Rigorous imprisonment for 10 years, and fine.	Court of Session, or Magistrate of the District.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years, and fine.	Ditto.
393	Attempt to commit robbery ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
395	Dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—(*continued*).

Of Robbery and Dacoity—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
399	Making preparation to commit dacoity.	May arrest without warrant.	Warrant ...	Not bailable ...	Rigorous imprisonment for 10 years, and fine.	Court of Session.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust... ...	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of the Receiving of Stolen Property.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property...	Ditto ...	Ditto ..	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

Of Cheating.

417	Cheating	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Fraudulent Deeds and Dispositions of Property—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	Of Mischief.					
426	Mischief	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
428	Mischief by killing, poisoning, maiming, or rendering useless, any animal of the value of 10 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

429	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.	
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.	
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.	
434	Mischief by destroying or moving, &c., a land-mark fixed by public authority.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.	
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.	
436	Mischief by fire or explosive substance, with intent to destroy house, &c.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.	

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Mischief—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

448	House-trespass	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.	
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.	
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.	
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years, and fine.	Any Magistrate.	
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.	
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
453	Lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.	
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.	
	If the offence is theft	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.	

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—(*continued*).

Of Criminal Trespass—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.
	If the offence is theft	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.

459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.	
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.	
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.	

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
468	Forgery for the purpose of cheating ...	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery ...	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.

473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.	
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
	If the document is a valuable security or will.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.	
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.	
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.	
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.	
	Of Trade and Property-Marks.						
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.	

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—(*continued*).

Of Trade and Property-Marks—(continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.	
488	Making use of any such false mark ...	Ditto ...	Ditto	Ditto ...	Ditto	Ditto.	
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.	

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1 Section.	2 Offence.	3 Whether Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
494	Marrying again during the life-time of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
497	Adultery	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XXI.—OF DEFAMATION.

500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	Simple imprisonment for 2 years, or fine, or both.	Court of Session, or Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Ditto	Magistrate of the District.
506	Criminal intimidation	Ditto ...	Ditto ...	Bailable ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of District.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE—(*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Court of Session, or Magistrate of the District.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...		Court of Session.
If punishable with imprisonment for more than three and less than seven years.	Ditto ...	Ditto ...	Ditto ...		Court of Session, or Magistrate of the District.
If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...		Magistrate of the District, or Subordinate Magistrate of 1st Class.
If punishable with fine only or with imprisonment for less than one year.	Ditto ...	Ditto ...	Ditto ...		Any Magistrate.

INDIAN INCOME TAX ACT.

ACT No. IX OF 1869.

(*Received the assent of the Governor-General on the* 18*th March*, 1869.)

An Act for imposing duties on Income and Profits arising from Offices, Property, Professions, and Trades.

PART I.

1—3. Names the Act as above; (2) repeals Act IX. 1868; (3) defines the words "Magistrate," "Company," "Firm," "Person," "Defaulter," "Year of Assessment," and "Collector."

4. Exempts from the tax all military persons not in civil employ whose pay and allowances do not exceed 500 rupees per month, also property dedicated to religious or charitable public purposes; and (5) empowers the Government of India to grant exemptions.

PART II.

Duties on Offices, 6—9.

6—7. Establishes an Income Tax of 1 per cent. for offices defined, excepting (7) monthly incomes under Rs. 41-10-8.

8—9. Directs as to Government officials that the tax shall be deducted from their pay and allowances; and (9) as to servants of Companies, &c., that the tax shall be deducted by their employers who shall be responsible to Government.

PART III.

Companies, 10.

10. Directs in what manner Companies shall be assessed and shall pay.

PART IV.

Duties on all other Income and Profits, 11—23.

11—13. Establishes as from 1st April 1869 the Income Tax particularized in Schedule A; (12) makes trustees, guardians, and other fiduciaries chargeable as if they were the beneficiaries; also non-residents in India, whether subjects or foreigners, through their agents, &c.; and (13) requires such trustees, &c., and agents to make out when required statements of income chargeable, for Collector verified, &c.

14—15. Empowers the Collector to determine what persons shall be chargeable and to what amounts; and (15) enacts the mode of computation when charge commences within the year.

16—18. Directs notices to be served by Collector, and how, and containing what particulars; (17) directs Collectors to give receipts for payments, &c.; and (18) such receipts to contain what particulars.

19—22. Establishes a mode of procedure before Collector for persons objecting to assessment; (20) gives directions for the hearing of the case; (21) establishes right of appeal from Collector's order; and (22) provides for the summoning of persons to give evidence.

23. Empowers the Collector to make a supplemental assessment in case of discovery of income omitted from original assessment.

PART V.

Penalties, 24—28.

24—27. Provides a money penalty for default of delivering returns, &c., required under the Act; (25) for default of paying the amount assessed; (26) directs in what mode fines may be recovered; and (27) confines the right of proceeding for those penalties to the Collector.

28. Extends the term "judicial proceeding" of Indian Penal Code, sections 193, 228, to proceedings under this Act.

PART VI.

Payment, 29—35.

29—31. Makes the tax payable yearly on 1st April, or by half-yearly instalments when of specified amount; and (30) in case of insolvency, death, &c., within the first half-year, discharges liability for the second half-year; and (31) in like cases, if entire year's tax is paid, the second half-year's shall be paid back, &c.

32. Provides for the recovery of second instalment in case of default.

33. Gives the alternative remedy of recovering arrears as arrears of revenue, when due outside the Presidency towns.

34. Provides for reduction from tax under this Act of amounts paid under repealed Act.

35. Directs that taxes and fines shall be paid to credit of Government of India.

PART VII.

Miscellaneous, 36—39.

36. Provides that powers given by the Act to Collectors, &c., may be exercised by all officers appointed in that behalf.

37. Provides for service of notices.

38. In case of Companies, &c., having several places of business, empowers Government to determine what shall be deemed the principal for the purposes of this Act, and the like as to persons having several places of residence.

39. Empowers the Government of India, &c., to make rules respecting administration of the Act.

SCHEDULE A, SCHEDULE B.

PART I.

PRELIMINARY.

Short title. Commencement of Act.

I. This Act may be called "The Indian Income Tax Act," and shall come into operation on the first day of April 1869.

Repeal of Certificate Act.

II. Act No. IX of 1868 (*for taxing Professions and Trades*) is hereby repealed except as to taxes due under that Act.

Interpretation clause.

III. In this Act—unless there be something repugnant in the subject or context—

"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace :

"Magistrate."

"Company" means an association carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not :

"Company."

"Firm" includes a Hindú undivided family :

"Firm."

"Person" includes a firm :

"Person."

"Defaulter" includes a firm making default under this Act.

"Defaulter."

"Year of assessment" means a year commencing on the first day of April :

"Year of assessment."

"Collector."

In the case of any Company or Municipal or other public Body or Association not being a Company, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person chargeable under this Act, "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

Exemptions from Act.

IV. Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed rupees 500 per mensem;

Or to any moveable or immoveable property solely employed for or dedicated to religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

Power to exempt from Act.

V. The Governor-General of India in Council may from time to time by order, wholly exempt from the operation of this Act the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor-General of India in Council may revoke any such order.

All orders and revocations made under this section shall be published in the *Gazette of India*.

PART II.

Duties on Offices.

Duties on offices.

VI. From the first day of April 1869, a duty of one per centum shall be levied in respect of every office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity, or pension paid in British India by

Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India or serving on board a ship trading to and from British Indian ports, whether on account of himself or another person.

Exemption of incomes less the Rs. 41-10-8 per mensem.

VII. No income amounting to less than rupees 41-10-8 per mensem shall be chargeable under this Part.

Provision as to Government officials.

VIII. In the case of every person holding any paid office, employment, or commission under Her Majesty or under the Government of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government,

the duty to which he is liable under this Part shall be deducted from his pay, annuity, or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

Provision as to servants of Companies and Municipalities.

IX. In the case of every person holding a paid employment under, or receiving any annuity or pension from, any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity, or pension at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, public Body or Association, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary, or principal Agent or Manager of every such Company and public Body or Association shall prepare, and, on or before the thirtieth day of April in this and every subsequent year, deliver, to the Collector, in such form as may

from time to time be prescribed by the Governor-General of India in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under, or receiving a pension or annuity from, the Company or public Body or Association whose pay or pension or annuity as such amounts to Rs. 41-10-8 per mensem or upwards, together with the salaries, annuities, or pensions payable by the Company or public Body or Association to all such persons respectively.

PART III.

COMPANIES.

Provision as to Companies.

X. In this and every subsequent year the Treasurer, Secretary, or principal Agent or Manager in India of every Company shall, in the case of a Shipping Company trading between British India and any other country, pay to Government the sum of one per centum on a moiety of the nett profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up;

and in the case of every other Company pay to Government one per centum on the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up;

and shall prepare, and, on or before the thirtieth day of April, deliver, to the Collector, a statement in writing signed by him showing the result of such accounts (if any).

In the case of any Company where no such accounts as are mentioned in this section have been made up within the year ending on the thirty-first day of March next before the year of assessment, the Treasurer, Secretary, or principal Agent or Manager of such Company shall prepare, and, on or before the thirtieth day of April in such year, deliver, to the Collector a return in writing signed by him and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the thirty-first day of March next before the year of assessment.

Everys uch Treasurer, Secretary, or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this section.

PART IV.

DUTIES ON ALL OTHER INCOME AND PROFITS.

Duty on income not charged under Part II or III.

XI. From the first day of April 1869, a yearly duty in accordance with schedule A to this Act annexed shall be levied upon all income and profits accruing and arising in British India and not chargeable under Part II or Part III of this Act.

Trustees, guardians, and committees of incapacitated persons to be charged.

XII. The trustee, guardian, curator, or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of such infant, married woman, lunatic or idiot, whether such infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Non-residents charged in names of their agents.

Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income or profits chargeable under this Part, shall be chargeable in the name of such agent, in the like manner and to the like amount as he would be charged if resident in British India, and in actual receipt of such income or profits.

Trustees or agents of persons incapacitated or non-resident to furnish statements of income or profits with declaration.

XIII. Every such trustee, guardian, curator, committee, or agent shall, when required by the Collector, deliver a statement signed by him, of the amount of the income or profits in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot, or non-resident, together with a declaration of the truth of the statement.

XIV. The Collector shall from time to time determine what persons are chargeable under this Part, and the amount that every such person shall be assessed in accordance with the said Schedule; and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

Collector to determine persons chargeable.

XV. In the case of a person for the first time becoming chargeable under this Part, within the year of assessment, the computation shall be made according to an average of his income and profits for such period as the Collector shall, under the circumstances, direct.

Computation when assessee becomes chargeable within year.

XVI. The Collector shall cause a notice to be served on every person chargeable under this Part stating—

Service of notice.

(1) The name and the profession, trade, or other source of the income or profits of such person:

(2) The year or portion of the year for which the duty is to be paid:

(3) The place or places, district or districts, where his income or profits accrues or arise:

(4) The amount to be paid:

and requiring him within fifteen days from the date of the service to pay such amount.

XVII. Such amount shall be paid to the Collector, who shall grant a receipt for such payment to the person making the same:

Officer to grant receipts.

Provided that, if such income or profits accrues or arise at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

Contents of receipt.

XVIII. Every such receipt shall specify—

(1) The name and source or sources of the income or profits of the person by or on whose behalf the duty is paid:

(2) The year or portion of the year for which the duty is paid:

(3) The amount paid, and the date of payment: and

(4) The place or places, district or districts, where the income or profits accrues or arise; and shall be admissible as *primâ facie* proof of all matters contained therein.

Objection to assessment.

XIX. Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under this Part, may within the period mentioned in the said notice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled.

Petition of objector.

The petition shall be in the form contained in schedule B to this Act annexed, or as near thereto as circumstances admit: it shall bear a stamp of eight annas, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Hearing of petition.

XX. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, or on the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the value of the said stamp.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

Appeal from order on petition.

XXI. Any person dissatisfied with any order under section twenty may, within fifteen days from the date thereof, on payment of the sum in which he was assessed, or to which his assessment was enhanced, present an appeal in writing to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Stamp on appeal.

Every appeal preferred under this section shall bear a stamp of one rupee, and shall be accompanied by a copy of the petition and the Collector's order thereon (both of which may be on unstamped paper), and all other documents (if any) connected with the case.

Return of stamp.

When the decision on such appeal is in favour of the appellant, the value of the stamp on his appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid shall at once be refunded.

Power to summon persons to give necessary information.

XXII. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India.

Power to issue fresh notice.

XXIII. Whenever the Collector has reason to believe that, in assessing any person under this Act, any source of income or profits not specified in the receipt granted to him under section seventeen has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further

notice to be served on such person stating the amount to be paid in respect of such source, and the provisions contained in sections sixteen to twenty-two (both inclusive) shall apply to such notice and regulate the procedure thereunder.

PART V.

PENALTIES.

XXIV. Every Treasurer, Secretary, or principal Agent or Manager failing to make any payment or to prepare and deliver any return required by section nine,

Treasurers, &c., failing to make payments or deliver returns.

or failing to make any payment or to prepare and deliver any statement or return required by section ten,

and every trustee, guardian, curator, committee, or agent failing to deliver any statement or declaration required by section thirteen,

Trustees, &c., failing to deliver statements or declarations.

shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

XXV. If any person served with notice under section sixteen does not within the period specified in the said notice pay the amount required thereby, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such notice: Provided that he has not presented a petition under section nineteen.

Failure to pay amount of assessment.

If any such person presents a petition under section nineteen and does not, within one week from the passing of the order thereon, pay the amount, if any, required by such order, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such order.

On the recovery of the fine from the person so convicted, the Collector shall grant him a receipt without any further payment.

Grant of receipt on recovery of fine.

Every such receipt shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

Mode of recovering fines.

XXVI. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm or to all or any of the members thereof.

Prosecution to be at instance of Collector.

XXVII. No person shall be proceeded against for any offence under section twenty-four or section twenty-five except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings under this Act

XXVIII. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

PART VI.

PAYMENT.

Tax when payable.

XXIX. All taxes under this Act, except when they are deducted under section eight or section nine, shall be payable on the first day of April in each year:

Instalments.

Payment by instalments.

Provided that, in every case where the amount so payable equals or exceeds rupees twenty-four, it may be paid in each year by two equal instalments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section sixteen upon the person paying the same, and the second instalment on the first day of October.

XXX. When any person pays only such first instalment, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, the amount of the second instalment shall not be claimable.

Death or insolvency of person paying first instalment.

When any firm pays only such first instalment, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, the amount of the second instalment shall not be claimable.

Firm paying first instalment and dissolving partnership or becoming insolvent.

XXXI. When any person pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, one moiety of such amount shall be paid to his representative or himself or his assignee, as the case may be.

Death or insolvency of person paying whole amount.

When any firm pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, one moiety of such amount shall be re-paid under such rules as the Governor-General of India in Council shall from time to time prescribe.

Firm paying whole amount and dissolving partnership or becoming insolvent.

XXXII. If the Collector has caused a notice to be served on any person liable to pay the said second instalment and requiring him within seven

Recovery of second instalment.

days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

Recovery under Revenue-law.

Optional recovery under revenue-law.

XXXIII. In any case of default under this Act arising outside the local limits of the towns of Calcutta, Madras, or Bombay, the Collector may, if he thinks fit, and if the notice mentioned in section sixteen, twenty-three, or thirty-two (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue.

On the recovery of such amount from the defaulter, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

Deductions of certain payments under Act IX of 1868.

XXXIV. A deduction equivalent to the amount paid by any person under the said Act No. IX of 1868, section five, for the month of April 1869, shall be made from the first payment by such person under Part IV of this Act.

Payment of Taxes and Fines.

Payment of taxes levied and fines recovered under this Act.

XXXV. All taxes levied and all fines recovered under this Act shall be paid to the credit of the Government of India or as such Government shall from time to time direct.

PART VII.

MISCELLANEOUS.

Powers of Collector and Commissioner under this Act may be exercised by other officers.

XXXVI. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such other officers

or persons as the Local Government shall from time to time appoint in this behalf.

Service of notices.

XXXVII. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him ; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

Power to declare principal place of business.

XXXVIII. When any Company or firm has several places of business in the territories subject to different Local Governments, the Governor-General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and when any Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

Power to declare residence.

When any person has several places of residence in the territories subject to different Local Governments, the Governor-General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor-General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

Governor-General in Council empowered to make rules.

XXXIX. The Governor-General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the power given by this section so far as regards the territories subject to such Government.

SCHEDULE A.

Persons whose annual income or profits shall be assessed at not less than ...	Rs.	500	but at less than	Rs.	750	shall pay	Rs.	6	0	
Ditto ditto ...	„	750	„ „	„	1,000	„	„	8	8	
Ditto ditto ...	„	1,000	„ „	„	1,500	„	„	12	0	
Ditto ditto ...	„	1,500	„ „	„	2,000	„	„	17	0	
Ditto ditto ...	„	2,000	„ „	„	3,000	„	„	24	0	
Ditto ditto ...	„	3,000	„ „	„	4,000	„	„	34	0	
And for every additional Rs. 1,000 of annual income or profits or fractional part thereof so long as the whole amount assessed is less than Rs. 10,000 ...						shall pay an additional duty of	Rs.	10	0	
Persons whose annual income or profits shall be assessed at not less than Rs. 10,000			but at less than	Rs.	12,500	shall pay	Rs.	110	0	
Ditto ditto ...	„	12,500	„ „	„	15,000	„	„	135	0	
And for every additional Rs. 2,500 of annual profits or fractional part thereof so long as the whole amount assessed is less than Rs. 1,00,000						shall pay an additional duty of	Rs	25	0	

Persons whose annual income or profits shall be assessed at						
not less than Rs.	1,00,000	but at less than Rs.	1,10,000	shall pay Rs.	1,040	0
Ditto ditto „	1,10,000	„ „ „	1,20,000	„ „	1,140	0
And for every additional Rs. 10,000 of annual income or profits or fractional part thereof ...		shall pay an additional duty of Rs.			100	0

SCHEDULE B.

Form of Petition under Section 19.

Stamp

Eight annas.

To the Collector of

The *day of* 186 .

The petition of *A. B.* of ,

Sheweth—

1*st.*—That under the Indian Income Tax Act your petitioner has been assessed in the sum of rupees *eight* annas *eight* for the year commencing the first day of April 186 .

2*nd.*—That your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise*] for the year ending the thirty-first day of March last were rupees as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

3*rd.*—That your petitioner has no other source of income or profits, and has no reason to believe that his income and profits during the year commencing the first day of April 186 will exceed the said sum of rupees

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the stamp on this petition may be refunded [*or* that he may be declared not to be chargeable under the said Act, and that the value of the stamp on this petition may be refunded.]

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

POLICE SUPERANNUATION FUNDS.

ACT No. X OF 1869.

(Received the assent of the Governor-General on the 18th March, 1869.)

An Act to abolish the Police Superannuation Funds.

Recites the expediency of abolishing this Fund in the Presidencies of Madras and Bombay.

1—2. Repeals Act XXIV. 1859, section 12, and Act V. 1861, section 12, from a date to be notified in the *Gazette of India*; and (2) directs that the Funds shall be transferred to the Government of India for general purposes.

Preamble.

WHEREAS a Fund called "The Police Superannuation Fund" has been formed under Act No. XXIV of 1859 *(for the better regulation of the Police within the territories subject to the Presidency of Fort Saint George)*, section twelve; and whereas similar Funds have been formed under Act No. V of 1861 *(for the regulation of Police)*, section eleven, and under the Act of the Governor of Bombay in Council, No. VII of 1867 *(for the regulation of the District Police in the Presidency of Bombay)*, section twelve; and whereas it is expedient to abolish the said Funds and to transfer to the Government of India the securities and monies at the credit of such Funds respectively; It is hereby enacted as follows:—

Repeal of enactments establishing Funds.

I. The said sections shall be repealed from such day as the Governor-General of India in Council shall, by notification in the *Gazette of India*, direct in this behalf.

Transfer to Government of sums at credit of Funds.

II. All securities and sums of money which, on the said day, shall be standing at the credit of the said Funds respectively, shall be transferred and paid to the Government of India for the general purposes of government.

MADRAS AND BOMBAY—LAND CUSTOMS' ACT, 1869.

ACT No. XI OF 1869.

(*Received the assent of the Governor-General on the 18th March, 1869.*)

An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.

1. Act to apply only to Madras and Bombay.

2. Repeals Act VII. 1844, sections 7, 16, and Act XXIX. 1857, section 3.

3—4. Directs that land customs shall be levied at the frontiers of Foreign European States, at the rates prescribed by Act XVII. 1867; and at frontiers of Native States after being declared by Government, at like rates, &c.; and (4) extends the unrepealed provisions of Act VI. 1844, and of Act XXIX. 1857, to duties under this Act so far as they apply.

Short title. Extent of Act.

I. This Act may be called the "Land Customs (Madras and Bombay) Act, 1869," and extends only to the territories for the time being respectively subject to the Governor of Fort St. George in Council and the Governor of Bombay in Council.

Repeal of enactments.

II. Act No. VI of 1844 (*for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George*), sections 7 and 16, and Act No. XXIX of 1857 (*to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay*), section 3, are hereby repealed.

Duties on frontiers of foreign European settlements.

III. Duties of customs shall be levied on goods passing by land into, or out of, foreign European settlements situate on the lines of coast within the limits of the said territories at the rates prescribed in the schedules to Act No. XVII of 1867 (*to amend the law relating to Customs Duties*), or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea.

IV. The Local Government may declare, by notification in the official Gazette, that the territory of any Native Chief not subject to the jurisdiction of the Courts and civil authorities of the territories under such Government, shall be deemed for the purposes of this Act to be foreign territory; and may declare goods passing into or out of such territory liable to the duties specified in the schedules to the said Act No. XVII of 1867, or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea; and goods so passing shall thereupon be liable to the duties aforesaid.

Duties on frontiers of Native States.

V. So far as regards the territories subject to the Governor of Fort St. George in Council, the unrepealed provisions of the said Act No. VI of 1844, and so far as regards the territories subject to the Governor of Bombay in Council, the unrepealed provisions of the said Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of this Act.

Application of provisions as to duties and goods.

INDIAN CUSTOMS DUTIES' ACT.

ACT No. XII OF 1869.

(*Received the assent of the Governor-General on the* 18*th March* 1869.)

An Act to amend the law relating to Customs Duties.

1—2. Empowers the Government of India from time to time to fix the value of goods imported or exported, for purposes of assessment of customs duties; and (2) makes this Act part of the "Indian Customs Duties' Act, 1867."

I. Notwithstanding anything contained in the Indian Customs Duties' Act, 1867, it shall be lawful for the Governor-General of India in Council from time to time, by notification in the *Gazette of India*, to fix for the purposes of that Act the value of any goods im-

Power to assess value of dutiable goods.

ported or exported by sea on which duties of customs are thereby imposed.

This Act to be read with Act XVII of 1867.

II. This Act shall be read with and taken as part of the Indian Customs Duties' Act, 1867.

N. W. Provinces—High Court Procedure.

ACT No. XIII of 1869.

(Received the assent of the Governor-General on the 19th March, 1869.)

An Act further to amend the Procedure of the High Court of Judicature for the North-Western Provinces.

Recites the expediency of amending the procedure of the High Court, N. W. Provinces.

1. Empowers the Court on charge against European and Non-European subjects jointly to empanel a jury for the trial of both together, &c., and the same if the former requires a jury of Europeans and Americans, &c., except where the Non-European before the jury is empanelled requires to be tried separately.

2. Suspends the operation of sections 198,364, of the Code of Criminal Procedure in the said High Court.

3. Empowers the Court to award costs at its discretion on any petition, application, or motion, in its civil and criminal jurisdiction.

4. Makes it an offence under the Indian Penal Code to make any false statement in declaration of verification.

Preamble.

WHEREAS it is expedient to amend the Procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William; It is hereby enacted as follows:—

Power to try Native together with European British subject.

I. In any case before the said High Court in which a European British subject is charged jointly with a person not being a European British subject, a jury may be empanelled for the trial of both persons so charged, and they may be tried together,

and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

In any case before the said High Court in which a European British subject is charged jointly with a person not being a European British subject, and the former, before the jury is empanelled, requires the majority of the jurors to consist of Europeans or Americans, or both Europeans and Americans, the latter person shall be tried together with the former, and the procedure on the trial shall be the same as it would have been had the former been tried separately :

Proviso.

Provided that, in any such case, where the person not a European British subject so requires before the said jury is empanelled, he shall be tried separately by a jury of which at least one-half shall consist of persons not being Europeans or Americans.

Suspension of Sections 198 and 364 of Code of Criminal Procedure.

II. The operation of sections 198 and 364 of the Code of Criminal Procedure is hereby suspended in the said High Court, and in any case coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, the Judges of such Court shall take down the evidence or the substance thereof in such manner as the Court shall, by any general rule, from time to time direct.

Power to award costs on petitions, &c.

III. Whenever any petition, application, or motion is made in any matter coming before the said Court in the exercise of its civil, criminal, or other jurisdiction, the Court shall have power to award and apportion costs in any manner it may think fit.

Penalty for making false statements in support of petitions, &c.

IV. Whenever the Court shall require the statements in support of any such petition, application, or motion to be verified by a declaration in writing, the person making such verification shall, if any such statement is false, and if he either knows or believes it to be false, or does not believe it to be true, be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

THE BOMBAY CIVIL COURT'S ACT.

ACT No. XIV OF 1869.

(Received the assent of the Governor-General on the 19th March 1869.)

An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Recites the expediency of consolidating and amending the law relating to district and other subordinate Courts in the Presidency of Bombay.

I.—Preliminary, 1—2.

1—2. Names the Act as above and limits the extent of its operation; and (2) repeals the Acts specified in schedule.

II.—District and Sadr Stations, 3—4.

3—4. Substitutes the name of district for zila, and authorizes the Government to alter their limits, (4) as well as position of Sadr station.

III.—District Courts, 5—11.

5—9,11. Prescribes for each district the appointment of Judge by the Government, and makes him removeable, &c., by the Government; (6) to hold his Court at the Sadr stations, &c.; and (7) his Court to be the principal Court of original civil jurisdiction; and (8) a Court of Appeal from all Subordinate Courts except as specified; and (9) to have the control and superintendence of all Subordinate Courts; and (11) prescribes a seal for the Court with specified inscription.

10. District Court to obey all orders of the High Court.

IV.—Joint Judges, 12—13.

12—13. Authorizes the appointment of Joint Judges with specified powers and duties; and (13) extends same Regulations, &c., to Joint Judge as apply to District Judge.

V.—Assistant Judges, 14—20.

14—15. Authorizes the appointment of Assistant Judges by the Government, and their removal, &c.; and (15) to hold their Courts ordinarily at the same place as the District Judge.

16. Defines the local jurisdiction, &c., of Assistant Judges.

17—20. Authorizes the Government to enlarge the jurisdiction of the Assistant Judge in manner specified with appellate powers, which (18) are to continue in manner specified; and (19) authorizes the Government to invest Assistant Judges with powers of District Judge; and (20) authorizes him to use the seal of the District Judge.

VI.—Subordinate Judges, 21—34.

21—23. Directs the appointment of Subordinate Judges, (22) by the Government, and defines their qualifications, and (23) directs where their Courts shall be held.

24—26. Directs that the Subordinate Judges shall be of two classes, and defines their respective jurisdictions; and (25) gives the first class a specified kind of jurisdiction; and (26) makes the decisions of the first class appealable to the High Court.

27—29. Authorizes the Government to confer on the first class appellate powers as specified, and (28) the jurisdiction of Small Cause Court Judge; and (29) directs the Subordinate Court to have a seal.

30—34. Directs that P. S. Ameens shall be the first Subordinate Judges of the first class, and who of the second class; and (31) gives them jurisdiction over pending proceedings; but (32) not in cases in which Government or any of its officers is concerned; and (33) provides for enquiry into the conduct of these Judges through a Commissioner of the High Court; and (34) for their suspension and removal by the High Court, saving the authority of Government in that behalf.

VII.—Temporary Vacancies, 35—37.

35—37. Provides for the performance of the duties of the District Judge when prevented by illness, &c.; and (36) empowers District Judges to delegate their powers in specified cases; and (37) provides for the temporary vacancy of the office of the Subordinate Judge.

VIII.—Ministerial Officers, 38—40.

38—39. Authorizes their appointment by the District Court, and their suspension, &c., by the District Judge, but Subordinate Courts to appoint, &c., all such of their officers whose salary is under a specified amount; and (39) directs that the duties of ministerial officers shall be regulated by the High Court.

40. Empowers Governor of Bombay in Council to appoint a Clerk of the Court to any Civil Court, who in addition to duties prescribed by the Court may receive and register plaints, &c.

IX.—Miscellaneous, 41—43.

41—43. Directs how proceedings of the Court shall be kept; and (42) what Court fees shall be taken; and (43) gives directions respecting their sittings, and authorizes the High Court to regulate the vacations of the Civil Courts.

SCHEDULE.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the district and other subordinate Civil Courts in the Presidency of Bombay; It is hereby enacted as follows :—

PART I.—*Preliminary.*

Short title. Extent of Act.

I. This Act may be called "The Bombay Civil Courts' Act, 1869," and extends only to the territories (other than Sind) under the Government of the Governor of Bombay in Council in which the Code of Civil Procedure is now in force. But the Governor of Bombay in Council may, by notification in the Government Gazette, extend this Act to any other of the territories under such Government in which the said Code is not in force, or to Sind.

Repeal of enactments.

II. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: provided that the constitution of the present Zilas and the position of the present Sadr stations shall not be affected by such repeal.

PART II.—*Districts and Sadr Stations.*

Alteration and creation of districts.

III. The Governor of Bombay in Council may from time to time, by notification in the Government Gazette, alter the limits of existing Zilas (which shall hereafter be called districts) and create new districts for the purposes of this Act.

Position of Sadr station.

IV. The Governor of Bombay in Council may also from time to time, by notification in the Government Gazette, alter the position of the Sadr station in any district, and fix the position of the Sadr station in any new district.

PART III.—*District Courts.*

District Judges.

V. There shall be in each district a District Court presided over by a Judge to be called the District Judge. He shall be appointed by the Governor of Bombay in Council by whose authority only he shall be liable to be suspended or removed from his appointment.

First District Judges.

The present Zila Judges shall be the first District Judges under this Act.

Situation of District Court.

VI. The District Judge shall ordinarily hold the District Court at the Sadr station in his district, but may, with the previous sanction of the High Court, hold it elsewhere within the district.

Original jurisdiction of District Judge.

VII. The District Court shall be the principal Court of original civil jurisdiction in the district, within the meaning of the Code of Civil Procedure.

His appellate jurisdiction.

VIII. Except as provided in sections sixteen, seventeen, and twenty-six, the District Court shall be the Court of Appeal from all decrees and orders passed by the Subordinate Courts from which an appeal lies under any law for the time being in force.

Control and inspection of Courts.

IX. The District Judge shall have general control over all the Civil Courts and their establishments within the district, and it shall be his duty to inspect, or to cause one of his Assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

Writs and orders.

X. The District Judge shall obey all writs, orders, or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require. He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

Reports and returns.

Seal of District Judge.

XI. The District Judge shall use a circular seal two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the district—"District Court of ."

PART IV.—*Joint Judges.*

Power to appoint Joint Judges.

XII. The Governor of Bombay in Council may, with the previous sanction of the Governor-General of India in Council, appoint in any district a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

When the appointment of a Joint Judge shall have been sanctioned by the Governor-General of India in Council, the Governor of Bombay in Council may, so long as such sanction continues in force, appoint a successor to such Joint Judge in case his office becomes vacant, or transfer such Joint Judge from one district to another; and in such other district the Joint Judge so transferred shall have the same powers as he had in the former district.

Enactments applying to District Judge to apply to Joint Judge.

Joint Judge's seal.

XIII. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge; and the seal of the Joint Judge shall be the same as is used by the District Judge.

PART V.—*Assistant Judges.*

Power to appoint Assistant Judges.

XIV. The Governor of Bombay in Council, under the general control of the Governor-General of India in Council, may appoint one or more As-

sistants to the District Judge, and may suspend or remove from his appointment any Assistant so appointed.

The present Assistant Judges shall be the first Assistant Judges under this Act.

Situation of Assistant Judge's Court.

XV. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the district, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

Original jurisdiction of Assistant Judge.

XVI. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ten thousand rupees in amount or value, and miscellaneous applications not being of the nature of appeals. The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications. Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.

The Assistant Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of heirs, executors, and administrators, and for the appointment of administrators and managers of property by the Courts*), Act No. XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*), and Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), and shall forward it with his opinion thereon for the final orders of the District Judge.

Appellate jurisdiction of Assistant Judge.

XVII. The Governor of Bombay in Council may, by notification in the Government Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the subordinate Courts as would

lie to the District Judge and as may be referred by him to the Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

Continuance of Assistant Judge's appellate jurisdiction.

XVIII. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section seventeen, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference to the district in which he may be employed; provided that the Governor of Bombay in Council may, by notification in the Government Gazette, at any time withdraw such power.

Power to invest Assistant Judge with powers of District Judge.

XIX. The Governor of Bombay in Council may, by notification in the Government Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a District, and may, by like notification, from time to time determine and alter the limits of such part.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

Assistant Judge to use seal of District Judge.

XX. Every Assistant Judge shall use the seal of the District Judge to whom he is Assistant.

PART VI.—*Subordinate Judges.*

Number of subordinate Civil Courts.

XXI. There shall be in each district so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting

under the general control of the Governor-General of India in Council, shall from time to time direct.

Appointment of Subordinate Judges.

XXII. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a subject of the Queen who has practised five years as an Advocate of a High Court in India or as a Vakíl in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the Government Gazette. See Act IX of 1880 for Sec

Situation of Subordinate Courts.

XXIII. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one Subordinate Court; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the Subordinate Judge shall sit in each Court.

The Judge of any Subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

Classes of Subordinate Judges.

XXIV. The Subordinate Judges shall be of two classes.

Jurisdiction of Subordinate Judge of first class.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature.

Jurisdiction of Subordinate Judge of second class.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

Special jurisdiction of Subordinate Judge of first class.

XXV. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees in amount or value as may arise within the local jurisdictions of the Courts in the district presided over by Subordinate Judges of the second class.

In districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, subject to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

Appeals from his decision.

XXVI. In all suits decided by a Subordinate Judge of the first class in the exercise of his ordinary and special original jurisdiction of which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from his decision shall be direct to the High Court.

Appellate jurisdiction of Subordinate Judge of first class.

XXVII. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the district.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

Power to invest Subordinate Judges with small cause powers.

XXVIII. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred

rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

Seal of Subordinate Judge.

XXIX. Each Subordinate Judge shall use a seal one inch and a half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the district—"Subordinate Judge of ."

First Subordinate Judges of first class.

XXX. The present Principal Sadr Amins shall be the first Subordinate Judges of the first class, and (subject to any alteration of the limits of their ordinary local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the first class under this Act, within the local limits within which immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amins.

First Subordinate Judges of second class.

The present Sadr Amins and Munsifs shall be the first Subordinate Judges of the second class, and (subject to any alteration of the limits of their local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the second class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

Pending proceedings.

XXXI. Every Court of a Subordinate Judge under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sadr Amin, Sadr Amin, or Munsif (as the case may be) of such Court would have had if this Act had not been passed.

Reference of Government suits.

XXXII. No Subordinate Judge shall receive or register a suit in which Government or any officer of Government in his official capacity is a defendant, but he shall refer the party presenting the plaint in such suit to the District Judge, in whose Court alone such suit shall be instituted.

Removal or suspension.

XXXIII. Whenever the High Court is of opinion that there are good grounds for making a formal and public enquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

Commission of enquiry into alleged misconduct.

The provisions of Act No. XXXVII of 1850 *(for regulating enquiries into the behaviour of public servants)* shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

XXXIV. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Suspension of Subordinate Judges by High Court or District Judge.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section thirty-three shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

Saving of power of Government to suspend or dismiss.

PART VII.—*Temporary vacancies.*

XXXV. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his district on leave, the first in rank of the Assistant Judges in the district, or in the absence from the district of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of

Temporary vacancy of office of District Judge.

writs, and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the district, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

Delegation of powers of District Judge.

XXXVI. Any District Judge leaving the Sadr station and proceeding on duty to any place within his district, may delegate to an Assistant Judge, or in the absence of an Assistant Judge to a Subordinate Judge at the Sadr station, the power of performing such of the duties enumerated in section thirty-five as may be emergent; and such officer shall be designated Assistant or Subordinate Judge, as the case may be, in charge of the Sadr station.

Temporary vacancy of office of Subordinate Judge.

XXXVII. In the event of the death, suspension, or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the same District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court; but in every such case the Registers and Records of the two Courts shall be kept distinct.

PART VIII.—*Ministerial Officers.*

Appointment, &c., of ministerial officers.

XXXVIII. All ministerial officers of the Civil Courts in each district shall be appointed, and may be fined, suspended, or dismissed by the District Judge, subject to such rules as the High Court may from time to time prescribe.

Provided that the Judge of every Subordinate Court may, subject to the like rules, appoint the ministerial officers of such Court, whose salaries do not exceed rupees ten per mensem, and may by order fine, suspend, or dismiss any ministerial officer of such Court who is guilty of any misconduct or neglect in the performance of the duties of his office. Every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Duties of ministerial officers.

XXXIX. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

Power to appoint Clerks of the Courts.

XL. The Governor of Bombay in Council may, under the general control of the Governor-General of India in Council, appoint to any Civil Court under this Act a Clerk of the Court who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

PART IX.—*Miscellaneous.*

Rules for keeping proceedings.

XLI. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

Fees for process.

XLII. The High Court shall from time to time, with the sanction of the Governor of Bombay in Council, prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

Sittings of Courts.

XLIII. The District and Subordinate Courts shall sit from day to day, except on Sundays, New Year's Day, Good Friday, Christmas Day, and Her Majesty's Birth Day, and such other days as may be sanctioned for each or every District by the High Court.

Vacation.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

SCHEDULE.

Enactments repealed.

I.—Bombay Regulations.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
I of 1827	A Regulation for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay.	Sections 1 to 7 both inclusive.
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof.	The preamble, and so much of chapters III and IV as has not been repealed; and chapter II except so much of section XXI as refers to the interference of the Civil Courts in caste questions.
III of 1827	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records.	The whole.
IV of 1827	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the trial of the same.	The preamble and sections 24, 27, and 72, clause 4.
XXIX of 1827	A Regulation for bringing under the operation of the Regulations the Bombay Territories in the Dekkan and Khandesh.	Section 7.
XXXI of 1827	A Regulation to explain the principles on which the introduction of the revised Code of Regulations is to be effected.	The whole.
I of 1830	A Regulation rescinding Regulation VII of 1828, and extending the jurisdiction of Native Commissioners to the cognizance of all original suits of whatever amount.	The whole.
VII of 1831	A Regulation for modifying the Rules under which appeals in Civil Suits are to be admitted.	The whole.
XVIII of 1831	A Regulation for instituting gradations of rank in the judicial appointments conferred on Natives, and defining the authority to be exercised by each rank.	The whole.
II of 1833	A Regulation for vesting Judicial Native Commissioners with authority to try civil actions in any part of a zillah to which they stand appointed.	The whole.
VI of 1834	A Regulation providing for the occasional adjournment of the Courts of Civil Judicature under the Presidency of Bombay.	The whole.

SCHEDULE—(*continued*).

II.—ACTS.

No. OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameens and Sudder Ameens.	The whole Act as far as it relates to the Bombay Presidency.
XXIX of 1845	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as refers to Joint Zillah Judges.

PRISONERS' TESTIMONY ACT.

ACT No. XV OF 1869.

(Received the assent of the Governor-General on the 4th June 1869.)

An Act to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them.

Recites the expediency of providing facilities for obtaining the evidence of prisoners, &c.

I.—Preliminary, 1—2.

1—2. Entitles the Act as above; and (2) defines what Courts shall be considered subordinate to High Courts.

II.—Bringing up of Prisoners, 3—11.

3—11. Empowers Criminal Courts not inferior to the Court of a Subordinate Magistrate of the first class to make order in the scheduled form on jailors to bring up any prisoner in his charge as a witness in case defined; (4) gives the same power to Civil Courts, and directs that in specified cases the order shall be countersigned; (5) such order in specified case to be sent through the Magistrate of the District; and (6) directs that when the prisoner has to be sent to give evidence more than 100 miles off, the order is to be applied for to the High Court; and (7) if the prisoner is not confined within the limits of the Court's jurisdiction, application is to be made to the Local Government; and (9) makes it obligatory on the officer of the jail to obey the order; but (10) excludes from the operation of such order prisoners of whom the Government has declared in manner specified that they

shall not be removed from jail; and (11) directs in what cases and under what circumstances the jailor is excused from obeying the order.

III.—Commissions, 12—14.

12—14. Authorizes specified Courts under specified circumstances to issue commissions for the examination of prisoners; and (13) authorizes the High Court to issue commissions beyond the limits of its jurisdiction; and (14) prescribes how the commission shall be directed.

IV.—Service of process on Prisoners, 15—16.

15—16. Directs how prisoners shall be served; and (16) how the service shall be authenticated.

V.—Miscellaneous, 17—20.

17. Directs that the costs attending such orders shall be deposited in specified cases.

18—20. Authorizes the Governments to make rules for carrying out the provisions of this Act within specified limits; such rules (19) to be published in the Gazette; and (20) empowers the Government to declare who shall be deemed in charge of jail for the purpose of this Act.

SCHEDULES A AND B.

Preamble.

WHEREAS it is expedient to provide facilities for obtaining the evidence and appearance in Court of prisoners and for service of process upon them; It is hereby enacted as follows:—

PART I.

Preliminary.

Short title.

I. This Act may be called "The Prisoners' Testimony Act, 1869."

Presidency Small Cause Courts.

II. For the purposes of this Act, the Courts of Small Causes established within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras, and Bombay, and

Police Magistrates.

the Courts of persons exercising the powers of a Magistrate of Police within the same limits, shall be deemed to be respectively subordinate to the said High Courts.

PART II.

Bringing up prisoners.

Criminal Courts may make orders under Act.

III. Any Criminal Court not inferior to the Court of a Subordinate Magistrate of the first class may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Criminal Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in schedule A or schedule B (as the case may be) to this Act annexed, directed to the officer in charge of the said jail.

Civil Courts may make orders under Act.

IV. Any Civil Court may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Civil Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Civil Court, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

Court to countersign orders.

V. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes situate outside the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William in Bengal, Madras, and Bombay, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge, or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Statement of facts necessitating order.

Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which in his opinion render such order

necessary, and the District Judge may, after considering such statement, decline to countersign the order.

Order to be transmitted through Magistrate of the District in which the person is confined.

VI. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the District or division of a district in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

Order by High Court for removal of person confined more than 100 miles from place where his evidence is required.

VII. In any case in which a person is confined in a jail within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature at Fort William, Madras, and Bombay, or in a jail more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Act for the purpose of giving evidence in such Court, and if the said jail is situate within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the same High Court, and such High Court may, if it think fit, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

The High Court making the order shall send it to the Magistrate of the District or division of a district in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

For the purposes of this section and sections three and four, the Chief Commissioner of British Burma shall be deemed to be a High Court; the Court of a Recorder appointed under Act No. XXI of 1863 shall be deemed to be subordinate to the said Chief Commissioner; and every jail situate in British Burma shall be

deemed to be situate within the local limits of the said Chief Commissioner's appellate jurisdiction.

Persons confined beyond limits of appellate jurisdiction of High Court.

VIII. In any case in which a person is confined within a jail situate beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he think it expedient that such person should be removed under this Act, for the purpose of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the local Government within the territories subject to which the said jail is situate; and such Government may, if it think fit, direct that such person shall be so removed, subject to such rules regulating the escort of such prisoners as the Governor-General of India in Council may from time to time prescribe.

To obtain the removal of a person confined in a jail situate beyond the territories for the time being under the administration of the Chief Commissioner of British Burma for the purpose of giving evidence in any criminal matter in the Court of a Recorder appointed under the said Act No. XXI of 1863, such Recorder shall have the power conferred on a Judge of a High Court by the former part of this section, and the other provisions of such part shall, *mutatis mutandis*, apply.

Prisoner to be brought up.

IX. Upon delivery of any order under this Act to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

Power to Government to exempt certain prisoners from operation of Act.

X. The Governor-General of India in Council or the Local Government may, from time to time, by notification in the official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in

force, the provisions of this Act, other than those contained in sections twelve, thirteen, and fourteen, shall not apply to such person or class of persons.

When jailor may disobey orders.

XI.. When any person named in any order made under section three, section four, or section seven appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the District or division of a district in which such jail is situate, and if such Magistrate shall by writing under his hand declare himself to be of opinion that such person is from infirmity unfit to be removed ;

or when any person named in any such order is under committal for trial ;

or under a remand pending trial or pending a preliminary investigation ;

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the jail in which he is confined ;

then and in every such case the officer in charge of the jail shall abstain from obeying such order, and shall send to the Court from which the order has been issued, a statement of his reason for not obeying the same :

Provided that the said officer shall not so abstain when

the order has been made under section three,

and the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed,

and the place where his evidence is required is not more than five miles distant from the jail in which he is confined.

PART III.

Commissions.

Commission for examination of prisoners.

XII. Whenever it shall appear to any Civil Court that the evidence of a person confined in any jail situate within the local limits of the appel-

late jurisdiction of such Court, if it be a High Court, or if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who for any of the causes mentioned in section ten or section eleven cannot be brought up before it, is material in any matter depending before such Court,

and whenever it shall appear to any such Court that the evidence of a person confined in any jail so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter,

and in any case in which the District Judge shall under section five have declined to countersign the order for removal,

the Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined.

Commission for examination of prisoners beyond limits of appellate jurisdiction of High Court.

XIII. Whenever it shall appear to any High Court that the evidence of a person confined in a jail situate beyond the local limits of its appellate jurisdiction is material in any civil matter depending before such Court, or before any Court subordinate thereto, the High Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined.

Commission how to be directed.

XIV. Every commission issued under section twelve or section thirteen shall be directed to the District Court of the district wherein the jail in which such person is confined is situate and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

PART IV.

Service of Process on Prisoners.

Process how served on prisoners.

XV. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer

in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

Process served to be transmitted at prisoner's request.

XVI. Every officer in charge of a jail upon whom any such service as is mentioned in section fifteen shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Such certificate shall be sufficient *primâ facie* evidence of the service of such process; and if the prisoner requests that the said copy be sent to any other person, and provides the cost of so sending it, the said officer shall cause the same to be so sent through the Post Office by registered letter.

PART V.

Miscellaneous.

Deposit of costs.

XVII. No order in any civil matter shall be made by a Court under any of the provisions hereinbefore contained until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court.

Provided that if upon any application for such order it appear to the Court to which the application is made that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by Government from any person ordered by the Court to pay the same, as if it were costs of suit recoverable under the Code of Civil Procedure.

Power to make rules.

XVIII. It shall be lawful for the Local Government, and in cases arising under section eight, for the Governor-General of India in Council, to make rules consistent with this Act

(1) for regulating the escort of prisoners to and from the Court in which their presence is required;

(2) for regulating the amount to be allowed for the costs and charges of such escort; and

(3) for the guidance of officers in all other matters connected with the enforcement of this Act;

and from time to time to alter and add to the rules so made.

Publication of rules.

XIX. All such rules, alterations, and additions shall be published in the official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

Power to declare who shall be deemed officer in charge of jail.

XX. The Local Government may also declare in each case what officer shall, for the purposes of this Act, be deemed to be 'the officer in charge of the jail.'

SCHEDULE A.

Court of

To the officer in charge of the (*state name of jail*)

You are hereby required to have the body of , now a prisoner in under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to give testimony in a cause now pending before [*or* in a certain charge or prosecution now pending before against *or as the case may be*] and after the said shall then and there have given his testimony before the said or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of *A. B.*

(Countersigned) *C. D.*

SCHEDULE B.

Court of

To the officer in charge of the (*state name of jail*)

You are hereby required to have the body of , now a prisoner in under safe and sure conduct before the at

on the day of next by of the clock in the forenoon of the same day, there to answer a charge now pending before and, after such charge shall have been disposed of or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of *A. B.*

(Countersigned) *C. D.*

THE BHUTAN DVARS' ACT.

ACT No. XVI OF 1869.

(Received the assent of the Governor-General on the 23rd July 1869.)

An Act to exclude the ordinary Civil Courts from the cognizance of suits relating to land in the Bhután Dvárs, and for other purposes.

Recites the expediency of excluding suits relating to immoveable property, revenue, and rent in the Bhután Dvárs from the ordinary Civil Courts.

1. Names the Act as above.

2—4. Abolishes the jurisdiction of the ordinary Civil Courts in matters connected with immoveable property, revenue, and rent; (3) and places such jurisdiction with such officers as the Lieutenant-Governor of Bengal shall from time to time appoint, who (4) shall order the transfer of pending suits and appeals on like matters to such new officers, future appeals to be to such officers as the Lieutenant-Governor shall direct.

5—6. Declares that the scheduled rules shall have the force of law; and (6) empowers the Lieutenant-Governor to make additional rules which will have the force of law in the *Calcutta Gazette*.

Schedule of Rules relating to immoveable property, rent, and revenue, 1—12.

Preamble.

WHEREAS it is expedient to exclude the ordinary Civil Courts from the cognizance of suits relating to immoveable property, revenue, and rent in the territory ceded by the Government of Bhután to the British Government in the year 1866 and commonly known as the Bhután Dvárs; and whereas certain rules relating to immoveable property, revenue, and rent in the said territory, and contained in the schedule to this Act, have been made by the Lieutenant-Governor of Bengal, and it is expedient that such rules should have the force of law; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Bhután Dvárs Act, 1869."

Abolition of Civil Courts' jurisdiction as to immoveables in the Dwárs.

II. The jurisdiction which the ordinary Civil Courts of Judicature have hitherto had and exercised in respect of suits (whether instituted before or after the passing of this Act) and other matters connected with immoveable property, revenue, and rent in the said territory shall cease.

Jurisdiction by whom exercisable.

III. Such jurisdiction shall be exercised by such officers and within such local limits as the Lieutenant-Governor of Bengal shall from time to time appoint in this behalf.

Pending suits and appeals.

IV. All original suits and appeals relating to immoveable property, revenue, or rent in the said territory, now pending in the said Civil Courts, shall be transferred to and disposed of by such of the officers appointed under section three as the said Lieutenant-Governor shall direct in this behalf.

All suits and appeals so transferred shall be disposed of by the officer to whom they shall have been so transferred as if they had been originally instituted in or presented to his Court.

And all appeals hereafter presented from decrees or orders in original suits relating to such property, revenue, or rent heretofore instituted shall (subject to the rules of limitation which would have been applicable thereto if this Act had not been passed) lie to such of the said officers as the said Lieutenant-Governor shall direct in this behalf.

Validation of rules.

V. The rules contained in the schedule to this Act shall be deemed to have the force of law.

Power to make additional rules.

VI. The said Lieutenant-Governor may from time to time make additional rules consistent with this Act and the schedule hereto for the guidance of officers in matters connected with the enforcement of this Act and the rules contained in the said schedule.

Such additional rules shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

SCHEDULE.

Rules relating to immoveable property, rent, and revenue, in the Bhután Dvárs.

I. At a reasonable time, before any officer appointed under section 3 of the Bhután Dvárs' Act, 1869, shall commence his enquiries in any Revenue Survey Circuit or other convenient tract of country, a notice shall be published in such tract calling on all interested in the suits and matters mentioned in section 2 of the said Act, to come forward and advance their claims and protect their interests before the said officer.

II. In the investigation of such suits and matters, the said officer shall be guided by the provisions of Regulation VII of 1822, and shall exercise all the powers conferred upon a Collector making a settlement of land revenue by that Regulation and all other Regulations and Acts amending the same, in addition to the powers vested in him by these rules.

III. The said officer shall make a record in such form as the Lieutenant-Governor may direct, of all rights, interests, and other matters which he is empowered by these rules to investigate, ascertain, and determine.

IV. The said officer shall ascertain the position as to rights and interests connected with the soil which each person *bonâ fide* occupied before the state of things was affected by the Bhootán war, and, subject to due regard for considerations of public policy, confirm him in that position: he shall take cognizance of, and decide, all disputes, conflicting claims, and doubtful questions which then existed: Provided that he shall not take cognizance of any right or interest which, being capable of exercise or assertion within twelve years before the date on which the Bhootán Dvárs were transferred to the British Government, had not been exercised or asserted during the period.

V. As soon as the record of rights for any tract as mentioned in Rule III is completed, the said officer shall cause it to be published in the tract, and a second copy shall be open for inspection at his office, of which fact due notice shall be given.

VI. Within one month of such publication, any person who is dissatisfied with any entry in the record, which has not been adjudicated upon by the said officer, may present a petition to such officer, who shall thereupon proceed to try the questions in dispute.

VII. Any person aggrieved by any decision or order of the said officer may appeal by petition to the Commissioner of the Division, or to any other officer specially appointed by the Lieutenant-Governor to be a Commissioner in that behalf: Provided that such appeal be presented within three months of the date of the decision or order appealed against, unless sufficient cause for longer delay be shown to the satisfaction of the Commissioner.

VIII. The said officer may, within one month of the passing of any decision or order by him, admit to review any such decision or order, and

eventually amend, vary, or correct the same: Provided that no appeal have been preferred against such order or decision to the appellate authority as defined in Rule VII.

IX. The appellate authority may, within one month of the passing of any decision or order by such appellate authority on appeal, admit to review any such decision or order.

X. No appeal shall lie as of right to any authority against any order passed by the appellate authority under these rules, but, notwithstanding anything to the contrary in these rules, the Lieutenant-Governor of Bengal may, if he think fit, alter, vary, or annul any decision or order which may have been passed under these rules: Provided that an application in that behalf shall have been made before or within one month after the issue of the notification of confirmation of the record under Rule XI.

XI. When the record of any circuit or other tract, as mentioned in Rule III, shall have been finally revised and amended in accordance with all orders passed by the said officer or the Commissioner of the Division under these rules, the record shall be confirmed by an order of the Commissioner of the Division to be published in the *Calcutta Gazette*.

XII. From the date of the publication of such confirmation, the said record shall not be varied or altered otherwise than by an order of the Lieutenant-Governor under Rule X, and such record shall be conclusive evidence as to any right, interest, or other matter which may be entered on it in accordance with the provisions of these rules.

THE CONSOLIDATED CUSTOMS' ACT.

ACT No. XVII OF 1869.

(Received the assent of the Governor-General on the 11th August 1869.)

An act to shorten the time for landing Cargo.

Recites the expediency of shortening Custom House time for landing cargoes as limited by the Consolidated Customs' Act No. VI of 1863.

1. Repeals sections 52, 53, 54 of the said Act, and substitutes a new section.

Preamble.

WHEREAS the Consolidated Customs' Act (No. VI of 1863), section fifty-two, provides that if the importer, owner, or consignee of any goods (except as therein excepted), or his agent, shall not land such goods within fifteen working days after the entry of the vessel importing the same, or within such further period as the bill of lad-

ing of such vessel shall specify, the master or commander of the vessel, or the officers of customs on his application, may then carry such goods to the Custom House; And whereas it is expedient to shorten the period of fifteen working days so limited; It is hereby enacted as follows:—

New sections substituted for sections 52, 53, and 54 of Act VI of 1863.

1. Sections LII, LIII, and LIV of the said Act are hereby repealed, and in lieu thereof the following shall be substituted:—

"LII. If the importer, owner, or consignee of any goods (except such as shall have been declared by the master or commander as not to be landed), or the agent of such importer, owner, or consignee, shall not land such goods within such number of working days, not exceeding fifteen, after the entry of the vessel importing the same as the Local Government shall from time to time appoint by notification in the official Gazette, or within such further period as the bill of lading of such vessel shall specify,

Procedure in respect of goods not landed within time allowed.

the master or commander of the vessel, or the officers of customs on his application, may then carry such goods to the Custom House.

The officer in charge of the Custom House shall thereupon take charge of and grant receipts for such goods;

and if notice in writing shall have been given that the goods are to remain subject to a lien for freight, primage, general average, or other charges of a stated amount, he shall hold such goods until the said charges shall be paid.

"LIII. If the cargo of any vessel, with the exception of a small quantity only of goods, shall have been landed within the period so appointed, or such further period as the bill of lading shall specify, the officers of customs may, on the application of the master or commander of such vessel, direct that such remaining goods shall forthwith be carried in like manner to the Custom House.

And in case of goods being landed in time, with exception of only a small quantity.

"LIV. If any period earlier than the number of working days so appointed is specified in the bill of lading of such vessel for the discharge of her cargo or any part thereof, and if the

Effect of not discharging cargo in any earlier period specified in the bill of lading.

importer, owner, or consignee of such cargo, or his agent shall not land the same within such specified period, the master or commander of such vessel, or the officers of customs on his application, may then carry such goods to the Custom House.

The officer in charge of the Custom House shall thereupon take charge of and grant receipts for such goods ;

and if notice in writing shall have been given that the goods are to remain subject to a lien for freight, primage, general average, or other charges of a stated amount, he shall hold such goods until the said charges shall be paid."

This Act to be read with Act VI of 1863.

II. This Act shall be read with and taken as part of The Consolidated Customs' Act.

THE GENERAL STAMP ACT.

ACT No. XVIII OF 1869.

(Received the assent of the Governor-General on the 13th August 1869.)

An Act for imposing Stamp-Duties on certain Instruments.

CHAPTER I.

Preliminary, 1—3.

1. Entitles Act as above, states its extent, and when to come into force.
2. Repeals Acts referred to in schedule 3 to extent mentioned in same.
3. Interprets the words "Affidavit," "Award," "Bill of Exchange," "Bill of Lading," "Bond," "Bottomry-bond," "Charter-party," "Cheque," "Collector," "Composition-deed," "Conveyance," "Counterpart," "Dock-warrant," "Impressed," "Lease," "Letter of Credit," "Letter of License," "Mortgage-deed," "Negotiable instrument," "Notarial act," "Paper," "Partition-deed," "Policy of Insurance," "Power of Attorney," "Promissory Note," "Property," "Protest," "Protest of the Master of a ship," "Proxy," "Release," "Respondentia-bond," and "Settlement."

CHAPTER II.

Stamp-duties chargeable under this Act, 4—17.

4—6. Directs that instruments of the kind mentioned in schedules referred to, and executed in or relating to property in British India, shall bear duties as referred to ; (5) to be levied (*a*) on certain specified classes

of instruments by adhesive stamps, and (*b*) on any other instruments by an impressed stamp; and states (6) by whom in specified cases the expense of finding stamp is to be borne.

7—8. Declares that duty shall be payable on all bills (*a*) drawn and payable in, (*b*) drawn in and payable out of, (*c*) negotiable in, British India; and (8) directs holder of any unstamped foreign bill negotiable in British India to affix adhesive stamp before negotiation.

9. Directs that a covenant for the payment of interest expressed in any instrument shall not affect the amount of duty thereon.

10. States equivalent in rupees for consideration expressed in pounds, francs, or dollars.

11. States to what instruments optional stamps may be affixed, and what amount may be recovered on an instrument bearing such optional stamp.

12. Instrument for securing an annuity or a periodical payment of money for indefinite time to be deemed of what value.

13. Where more than one instrument is required for one transaction how to be stamped.

14. Directs that an instrument coming within two or more of the definitions in section 3 shall be charged at the highest rate, and provides that in certain cases an aggregate of two or more rates of duty shall be chargeable on one instrument.

15. Exempts instruments therein named from duty.

16. Gives Governor-General in Council power to lower rates of stamp-duty by order, to cancel or vary same, and provides for publication of such order, &c.

17. Saves stamp-duties chargeable under Act XXVI of 1867, and all other judicial stamp-duties.

CHAPTER III.

Unstamped or insufficiently stamped documents, 18—28.

18. Prohibits (*a*) the reception in evidence of any unstamped, &c., document in any civil proceeding, or registration or authentication by any public officer, but (*b*) permits its reception in any criminal proceeding other than those specified.

19. Directs, *with regard to foreign bills*, when stamp ought to be affixed and cancelled.

20—21. Enables Courts to receive in evidence an unstamped or insufficiently stamped instrument on specified conditions, and prescribes a penalty on the production, &c., of such instrument; limits the penalty, and provides that an endorsement by the Court shall be conclusive evidence of the fact that the proper amount of duty has been levied; and directs (21) all such

payments to be (*a*) entered and endorsed, and (*b*) a return made to Collector, and (*c*) money to be handed over from time to time in manner specified.

22. Directs Civil or Criminal Court to impound and send to Collector, for the purpose of a prosecution by him, any unstamped, &c., instrument apparently executed with a view to defraud the revenue.

23. Directs Registrar or other Public Officer to impound any unstamped, &c., instrument and send it to Collector.

24. Gives power to Collector (*a*) to proceed under section 20, or to prosecute parties to instrument, or certify that it is stamped or not chargeable, (*b*) to remit penalty in certain cases, (*c*) and provides in specified instance that Collector shall certify by endorsement that the duty has been levied, and declares (*d*) that subject to section 40 his certificate is conclusive evidence of amount leviable.

25. Directs Collector to return instrument sent to him, and protects Court or officer sending or returning the same from liability for loss, &c.

26. Empowers (*a*) the receiver of any bill, &c., chargeable with one anna, but unstamped, to affix the same and charge it to giver, &c., but (*b*) declares the giver, &c., shall not be relieved from liability to penalty.

27. Enables payer of money over specified amount to provide stamp and demand value thereof with receipt from payee, and (*b*) prescribes penalty on payee who refuses such demand.

28. Directs that except as provided no instrument chargeable with one anna shall be stamped after execution, and limits application of sections 20 and 24.

CHAPTER IV.—*Criminal Penalties*, 29—38.

29—32. Prescribes penalty against any person or firm signing, &c., an unstamped bill, &c.; or (30) negotiating foreign bill, &c., unstamped; or (31) presenting a stamped bill and neglecting or refusing to cancel adhesive stamp; and (32) for not drawing full number of bills or marine policies purporting to be in sets.

33. Declares adhesive stamps shall be cancelled, by whom and when, and prescribes a penalty on failure to cancel.

34. Directs that (*a*) when any property is sold, &c., the full amount of the consideration shall be set out in the instrument of sale, &c., and what (*b*) in specified case shall be deemed the consideration, and (*c*) prescribes penalty against both purchaser and seller when consideration is not fully set forth.

35. Prescribes, except in the case provided for a penalty against any attorney, &c., knowingly inserting a false consideration in an instrument, and disables him from practising after conviction.

36. Punishment for abetment and any offence under this Act.

37—38. Directs how fines may be recovered in Presidency towns and in the Mofussil, (*a*) against a person, (*b*) against a firm; and (38) gives a reward to the informer.

CHAPTER V.—*Jurisdiction*, 39—44.

39. Authorises Collector to assess and charge duty on any instrument brought to him for that purpose, and certify by endorsement accordingly, but not so with regard to specified instruments brought to him unstamped after drawing or execution thereof.

40. Provides for revision and appeal of all orders, &c., of Collector to chief Revenue Authority, but registration, &c., of instruments endorsed under section 24 or 25 not to be thereby invalidated.

41. Permits chief Revenue Authority to state a case (*a*) for the High Court, to be heard (*b*) by three Judges; they may (*c*) send it back for alterations and additions, and (*d*) on the hearing deliver judgment with reasons, and send copy thereof to Revenue Authority for the disposal of case accordingly.

42. Empowers chief Revenue Authority to remit the whole or part of any penalty.

43. Declares by whom prosecutions under the Act shall be instituted and conducted.

44. Authorises Magistrates of Police in Presidency towns, and in the Mofussil the Magistrates of specified grades, to try offences and punish within the limits of their jurisdiction.

CHAPTER VI.—*Miscellaneous*, 45—51.

45—46. Authorises Collector to refund value of stamp on spoiled paper, or if desired give fresh paper with new stamps impressed on payment of the value of the paper; and (46) states when stamped paper shall be deemed to be spoiled.

47. Authorises the purchaser, &c., in case of sale, &c., when to sue for amount of the consideration not out in conveyance, &c., and declares that the instrument shall be admissible in evidence, although unstamped or insufficiently stamped.

48. Authorises every Local Government to make rules governing the sale of stamps required by this Act or Act XXVI of 1867, the sellers, and their remuneration, with power to add to or alter such rules to be approved and published as directed, and prescribes a penalty for disobedience of such rules.

49. States, with regard to impressed stamps, when a single stamp or more than one stamp should be used.

50. Directs that when more than one price of stamp paper is used for one instrument, a part of the instrument should be on each instrument.

51. Directs the Local Government to cause this Act to be translated in *de suo*, and sold at a specified rate.

SCHEDULE I.

(*a*)—Instruments chargeable with *ad valorem* stamp-duties.

(*b*)—Stamp-duty chargeable on any Bill of Exchange or promissory note, the amount of which does not exceed Rs. 2,00,000.

(*c*)—On bonds for any sum not exceeding Rs. 4,00,000.

(*d*)—On any conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000.

SCHEDULE II.

Instruments chargeable with fixed stamp-duties.

SCHEDULE III.

Act XIV of 1840, section 8; Act XVIII of 1856, so much of preamble as relates to stamp-duty; and section 2 Act XIX of 1858; Act XLI of 1858; Act XV of 1859, section 37; Act X of 1862, sections 1—25, 27, 28, 29, 34—57, and schedule A; Act XXVI of 1867, section 5,—repealed by Section 2.

CHAPTER I.

Preliminary.

Short title. I. This Act may be called "The General Stamp Act, 1869."

Extent of Act. It extends to the whole of British India.

Commencement of Act. And it shall come into force on the first day of January 1870.

Repeal of enactments. II. On and after that day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

Interpretation clause. III. In this Act and the first and second schedules hereto annexed, unless there be something repugnant in the subject or context—

(1) "Affidavit" includes every declaration in writing, on oath or affirmation, made before a person authorized by law to administer an oath:

(2) "Award" includes every decision in writing by an arbitrator or umpire:

(3) "Bill of Exchange" includes a hundí and every other instrument (except a cheque) whereby a person is ordered to pay to another a specified sum of money :

(4) "Bill of Lading" includes every instrument signed by the owner of a ship or his agent, acknowledging the receipt of goods therein described, and undertaking to deliver them at a port and to a person therein mentioned or indicated :

(5) "Bond" includes every instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be :

(6) "Bottomry-bond" includes every instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to prosecute her voyage :

(7) "Charter-party" includes every instrument (except an agreement for the hire of a tug steamer) whereby a ship or some principal part thereof is let for the specified purposes of the charterer :

(8) "Cheque" includes every instrument whereby a bank, banker, or person acting as a banker, is ordered to pay on demand a specified sum of money :

(9) "Collector" means, within the limits of the towns of Calcutta, Madras, and Bombay, the Collector of Calcutta, Madras, or Bombay, and, without those limits, the Collector of a District, and includes Deputy Commissioner or any officer having jurisdiction equivalent to that of a Collector of a District :

(10) "Composition-deed" includes every instrument executed by a debtor, whereby the debtor conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors :

(11) "Conveyance" means any instrument (except a transfer of a share in a Company or Association, a mortgage-deed, a settlement, a lease, an instrument of re-conveyance of mortgaged property, a composition-deed, an instrument of gift, or an

instrument of exchange or partition-deed, where no money is paid for equality of exchange or partition) by which property is conveyed *inter vivos*:

(12) "Counterpart" means the duplicate of a conveyance, settlement, mortgage-deed, or lease, such duplicate not being executed by the grantor, settlor, mortgagor, or lessor, but by some other party to the instrument: it includes a kabúliyát in cases where a lease has been granted:

(13) "Dock-warrant" includes every instrument evidencing the title of any person therein named or his assign, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse, or wharf, such instrument being signed or certified by or on behalf of the company or person in whose custody such goods may be:

(14) "Impressed" includes "printed" and "lithographed:"

(15) "Lease" includes every instrument (not being a counterpart) by which one person lets or agrees to let, or takes or agrees to take, immoveable property to or from another:

(16) "Letter of Credit" includes every instrument by which one person requests another to give credit to the person in whose favour it is drawn:

(17) "Letter of License" includes every agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion:

(18) "Mortgage-deed" includes every instrument evidencing a pledge of property for securing the payment of money:

(19) "Negotiable instrument" includes Bills of Exchange, Promissory Notes, and Cheques:

(20) "Notarial act" means any instrument, endorsement, note, or entry made or signed by a Notary Public in the execution of the duties of his office, and includes every like instrument, endorsement, note, or entry made or signed by a consul, attorney, or other person authorized by law to act as a Notary Public:

(21) "Paper" includes vellum, parchment, or any other material on which an instrument may be written:

(22) "Partition-deed" means any instrument whereby persons interested in immoveable property jointly, or in common, or as co-parceners, or as members of an undivided Hindú family, divide or agree to divide such property in severalty, and includes a batwárá:

(23) "Policy of insurance" means any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage, or liability arising from an unknown or contingent event: it does not include a policy on life:

(24) "Power of Attorney" includes every instrument (except a proxy) empowering a person to act in the stead of the person executing it:

(25) "Promissory Note" includes every instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(26) "Property" means property being in British India:

(27) "Protest" means a declaration in writing made by a Notary Public, or other person authorized to act as such, attesting the dishonour of a Bill of Exchange or Promissory Note:

(28) "Protest of the Master of a ship" includes every declaration of the particulars of her voyage, drawn up by him with a view to the adjustment of losses, or the calculation of averages and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship:

(29) "Proxy" means an instrument whereby a person authorizes another to vote for him at a meeting:

(30) "Release" includes every instrument whereby a person renounces a claim upon another person or against any specified property:

(31) "Respondentia-bond" includes every instrument securing a loan on the cargo laden or to be laden on board a ship, and making repayment contingent on the arrival of the cargo at the port of destination: and

(32) "Settlement" means any instrument (other than a will) whereby the destination or devolution of moveable or immoveable property is settled or agreed to be settled.

CHAPTER II.

Stamp-duties chargeable under this Act.

Scheduled duties chargeable.

IV. For every instrument mentioned in the first and second schedules hereto, and executed in British India on or after the first day of January, 1870,

or executed out of British India on or after that day, but relating to any property within British India,

there shall be payable to the Government of India, as stamp-duty, the amount indicated in the first or second schedule hereto annexed, to be the proper duty for such instrument.

Duties how levied.

By adhesive stamps,

V. (*a*)—All instruments chargeable under this Act with the duty of one anna, bills of exchange and promissory notes drawn or made out of British India, and transfers by endorsement of shares of Companies and Associations may (subject to the provisions hereinafter contained) be stamped with adhesive stamps.

By impressed stamps.

(*b*)—The stamp on every other instrument chargeable under this Act shall either be impressed on the paper whereon the instrument is written or be otherwise denoted by the Collector or the Superintendent of Stamps in accordance with such rules as the Governor-General of India in Council may from time to time prescribe in this behalf.

Duties by whom payable.

VI. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

1*st.*—In the case of any instrument mentioned in the first schedule to this Act (other than a policy of insurance, a mortgage-deed, a settlement, a conveyance, a lease, an instrument of exchange or partition-deed where money is paid for equality of exchange or partition, an appraisement or valuation, an award and a copy, duplicate or extract), by the person drawing, making, or executing such instrument:

2*nd.*—In the case of a policy of insurance, by the insured:

3*rd.*—In the case of a settlement, by the settlor:

4th.—In the case of a conveyance, mortgage-deed, or lease, by the grantee, mortgagor, or lessee :

5th.—In the case of a counterpart of a lease, by the lessor :

6th.—In the case of a partition-deed, by the parties thereto in proportion to their respective shares in the property comprised therein : and

7th.—In the case of an exchange where money is paid for equality of exchange, by the person paying such money.

Duties on bills of exchange.

VII. The duty imposed by this Act on bills of exchange shall be chargeable (*a*) on all bills drawn and payable in British India, (*b*) on all bills drawn in, but payable out of, British India, and (*c*) on all bills drawn out of, but accepted, or paid, or endorsed, transferred, or otherwise negotiated within, British India.

Bills drawn out of British India.

VIII. The holder of any bill of exchange or promissory note drawn or made out of British India, and not stamped as required by this Act, shall, before he presents the same for acceptance or for payment, or endorses, transfers, or otherwise negotiates such bill or note, affix thereto the proper adhesive stamp or stamps for denoting the duty with which it is chargeable under this Act.

Instruments reserving interest.

IX. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with a duty higher than that with which it would have been chargeable had no mention of interest been made therein.

Consideration expressed in foreign currency.

X. When the consideration set forth in or the amount secured by any instrument chargeable under this Act is expressed in pounds sterling, pounds currency, francs, or dollars, such consideration or amount shall, for the purposes of this Act, be estimated according to the following scale :—

One pound sterling or pound currency is equivalent to ten rupees.

One hundred francs are equivalent to forty rupees.

One Mexican or China dollar is equivalent to two rupees four annas.

One Mauritius dollar is equivalent to two rupees.

Optional stamps where value of subject-matter is indeterminate.

XI. When the amount or value of the subject-matter of any bond, mortgage-deed, or settlement chargeable under this Act with an *ad valorem* stamp-duty and referred to or mentioned in section six cannot be ascertained, the proper stamp to be borne by such instrument may be determined by the person bound under that section to bear the expense of providing the stamp:

Provided that, under such instrument, nothing shall be recoverable more than the highest amount or value for which, if stated in an instrument of the same denomination, the stamp actually used under such option would have been sufficient.

Bond, &c., for payment of annuity.

XII. The whole amount secured for the payment of an annuity or other sum payable periodically for an indefinite time, by a bond, promissory note, or mortgage-deed shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

Consideration an annuity.

Where the consideration for a conveyance is an annuity or other sum payable periodically for an indefinite time, such consideration shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

Several instruments used in a single transaction.

XIII. Where more instruments than one are required for the completion of any transaction involving the execution of a mortgage-deed, settlement, conveyance, or lease, the proper stamp required by this Act for such mortgage-deed, settlement, conveyance, or lease, shall be borne by the principal instrument executed in such transaction, and each of the other instruments shall bear a stamp of one rupee.

The parties may determine for themselves which of such instruments shall for the purposes of this section be deemed to be the principal instrument: Provided that, where the instruments are liable to different rates of duty under this Act, the instrument liable to the highest of such rates shall be deemed to be the principal instrument.

XIV. An instrument so framed as to come within two or more of the definitions in section three shall, when the instruments to which those definitions apply are liable to different rates of duty under this Act, be charged with the highest of such rates:

Instruments coming within two or more of the definitions in section 3.

Provided that when any one instrument purports, for distinct considerations, to convey by way of sale, to lease, to give, or to mortgage two or more subject-matters,

or to convey by way of sale, to lease, or to give one subject-matter and to mortgage another,

such instrument shall be chargeable with the aggregate amount of the duties to which instruments effecting separately each of such conveyances, leases, gifts, or mortgages would be liable under this Act.

Instruments exempt from duty.

XV. Nothing in this Act shall render the following instruments chargeable with duty:—

(1) Receipt or discharge granted to a cultivator for the rent of land paying revenue to Government, or (in the Presidencies of Madras and Bombay) of inám lands.

(2) Receipt given for money or securities for money deposited in any bank or in the hands of any banker or person acting as a banker to be accounted for:

Provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for:

Provided, further, that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share or in respect of a call upon any scrip or share of or in any Company or Association or proposed or intended Company or Association.

(3) Receipt or discharge endorsed on or contained in any instrument duly stamped according to the law in force in British India at the date of its execution, acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal money, interest, or annuity or other periodical payment, thereby secured.

(4) Transfer by endorsement of a negotiable instrument or a policy of marine insurance or of insurance against fire.

(5) Letters of hypothecation accompanying a bill of exchange.

(6) Transfers of securities of the Government of India:

(7) Bond to Government for the due performance of the duties of any salaried office.

(8) Agreement or memorandum of an agreement for or relating to the sale of goods or merchandize.

(9) Lease granted to a cultivator, unless a fine or premium be paid in consideration of such lease.

(10) Counterpart of such lease.

(11) Surrender of land executed by a cultivator to his landlord.

(12) Affidavit made for the sole purpose of enabling any person to receive any pension or charitable allowance.

(13) Copy of any paper which a public officer is by law required to make or furnish in his official capacity.

(14) Copies made for the private use only of any person having the custody of the original instrument or of his counsel, attorney, or vakíl.

(15) Receipt or other instrument executed by or on behalf of Government, in cases where the Government would, but for this exemption, be liable to pay for the stamp thereon.

(16) Letter of cover or engagement to issue a policy of insurance:

Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy of insurance, nothing shall be recoverable thereunder, nor shall it be available for any purpose except to compel the delivery of the policy therein mentioned.

Power to lower rates of stamp-duty.

XVI. The Governor-General of India in Council may, from time to time, by order published in the *Gazette of India*, reduce or remit in the whole or any part of British India, the duties chargeable under this Act on all or any of the instruments mentioned in the first and second schedules hereto annexed, or on any particular class of such instruments, or on any of the instruments belonging to

such class, or on any of the instruments mentioned in the said schedules when executed or granted by or to any particular class of persons, or by or to any members of such class,

and may in like manner cancel or vary such order to the extent of the powers hereby given.

Every such cancelment or variation shall be published in the *Gazette of India*.

Saving of judicial stamp-duties.

XVII. Nothing in this chapter or in the schedules hereto annexed, shall be deemed to affect the stamp-duties chargeable under Act No. XXVI of 1867, section six, or under any other enactment relating to stamps used in judicial proceedings.

CHAPTER III.

Unstamped or Insufficiently Stamped Documents.

Instruments not duly stamped inadmissible in evidence.

XVIII. (*a*)—No instrument chargeable with stamp-duty shall be received in any Court of Justice, or by any person having by law or consent of parties authority to receive evidence, as creating, modifying, transferring, or extinguishing, or purporting to create, modify, transfer, or extinguish, any right or obligation,

or as evidence in any civil proceeding,

or shall be acted upon in any such Court, or by any such person as aforesaid, or by any public officer,

or shall be registered by any officer acting under any law for the registration of assurances or in any public office,

or shall be authenticated by any public officer,

unless such instrument bears a stamp of a value not less than the amount of the duty with which it is chargeable under the law in force in British India at the time of its execution.

Except in criminal proceedings.

(*b*)—Every instrument chargeable with stamp-duty shall be admitted in evidence in any criminal proceeding (other than proceedings under Chapter XXII of the Code of Criminal Procedure), although it may not have the stamp required by law impressed thereon or affixed thereto.

Foreign bill unstamped or with stamp uncancelled.

XIX. Subject to the provisions contained in section twenty-six, no person taking a bill of exchange or promissory note requiring a stamp under section eight, either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose, unless at the time when he so takes it, the proper stamp is affixed thereto and cancelled in manner directed by this Act.

Powers of Civil Courts as to unstamped or insufficiently stamped instruments.

XX. When any instrument chargeable with stamp-duty executed on paper not bearing the stamp required by the law in force in British India at the time of its execution is produced in a Civil Court, the Court, if satisfied that the omission to execute such instrument on paper bearing the proper stamp, did not arise out of any intention to evade payment of the proper duty, and on payment of such duty, or, in the case of an insufficiently stamped instrument, of the sum required to make up the full amount chargeable on such instrument,

together with a penalty of the following amount (that is to say) :—

if the instrument is produced within one year from the date of its execution, five times, or if it is produced after one year from such date, twenty times, such proper stamp-duty or deficient portion thereof as aforesaid,

Penalty.

shall certify by endorsement on such instrument that the proper stamp-duty has been levied thereon :

Provided that no such penalty shall exceed one thousand rupees.

Such certificate shall be conclusive evidence as to the amount of stamp-duty leviable on such instrument, and the said instrument shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

Registration of payments and penalties levied by Civil Courts.

XXI. (*a*)—An entry of every such payment showing the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the instrument in respect of

which the payment is made, and such endorsement shall be signed by the presiding officer.

(*b*)—The Court shall at the end of every month make a return to the Collector of the money (if any) which it has so received, distinguishing between the sums received by way of penalty and the sums received by way of duty, stating the number and title of the suit, the name of the party from whom the money was received, and the date (if any) and description of the instrument.

Returns to Collector.

(*c*)—The Court shall pay over all money so received to the Collector or to such person as he may from time to time appoint to receive the same.

Payments to Collector.

XXII. If it appear to a Civil or Criminal Court that any instrument filed or exhibited in such Court was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the stamp-duty required by the law in force in British India at the time of its execution, the Court may impound the instrument and send it to the Collector, and he shall thereupon prosecute the offender.

Impounding unstamped instruments in Civil or Criminal Courts.

XXIII. When any instrument is produced before any registering officer, or in any public office other than a Civil or Criminal Court, if it appear to the registering officer or to the head of such public office that the instrument is chargeable with stamp-duty under the law in force in British India at the time of its execution, but that it does not bear a stamp of a value equal to or exceeding the value of the stamp prescribed therefor by that law, he shall impound the instrument, and send it forthwith to the Collector.

Impounding unstamped instruments in public office.

XXIV. (*a*)—When any instrument is produced before the Collector, otherwise than for the purpose of obtaining an adjudication under section thirty-nine, or has been sent to him under section twenty-three, he shall either proceed in accordance with the provisions of section twenty, exercising the powers thereby conferred on a Civil

Powers of Collector as to unstamped or insufficiently stamped instruments.

Prosecution.

Court; or if it appear to him that the instrument was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the proper stamp-duty, he shall prosecute all the persons that have executed the said instrument or such of them as to him may seem fit;

or if it appear to him that the instrument is properly stamped, or that it is not chargeable with stamp-duty under the law in force in British India at the time of its execution, he shall certify by endorsement thereon that it is properly stamped, or that it is not so chargeable (as the case may be); and he shall thereupon return such instrument to the registering or other public officer by whom it was sent, or to the person by whom it was produced, and, subject to the provision contained in section forty, it shall be deemed to be properly stamped or not chargeable (as the case may be):

(*b*)—Provided that, in any case coming under this section, if the instrument is brought within one year from the date of its execution to the Collector, or other public officer by whom it has been sent to the Collector under section twenty-three, and if the Collector is satisfied that such instrument has not been duly stamped previously to being signed or executed by reason of accident, mistake, inadvertence, or urgent necessity, he may remit the whole or any part of the penalty prescribed by section twenty:

Remission of penalty.

(*c*)—Provided also that, in any case coming under this section in which an instrument, other than a bill of exchange or promissory note, purports to have been executed out of British India, if the Collector is satisfied that the instrument was so executed, and also that it has been brought to him within the three months next after its arrival in British India, he shall, on payment of the duty with which such instrument would have been chargeable if executed in British India, certify by endorsement thereon that the proper stamp-duty has been levied upon it.

(*d*)—Subject to the provision contained in section forty, such certificate shall be conclusive evidence of the amount of stamp-duty leviable on the instrument, which shall thereupon be admis-

sible as if originally executed on paper bearing the proper stamp.

Validity of instrument for which Collector levies penalty.

XXV. When the Collector elects to proceed under section twenty, he shall (if he imposes a penalty), after endorsing on the instrument the certificate thereby directed, or (if he remits the whole of the penalty) after endorsing on the instrument a certificate to that effect, return such instrument to the registering or other public officer by whom it was sent or to the person by whom it was produced.

Subject to the provision contained in section forty, the said instrument shall thereupon be, and be deemed to have been, as valid as if it was originally executed on paper bearing the proper stamp.

Loss of instruments sent under section 22, 23, 24, or 25.

In case any instrument sent or returned under section twenty-two, twenty-three, or twenty-four, or the former part of this section, be lost, destroyed, or injured during transmission, the Court or officer sending or returning the same shall not be liable for such loss, destruction, or injury.

Power to stamp instruments chargeable with one anna.

XXVI. (*a*)—When any bill of exchange, promissory note, cheque, or order for the payment of money on demand by any banker or person acting as a banker, chargeable hereunder with the duty of one anna, comes to his hands unstamped, he may affix thereto the necessary adhesive stamp, and cancel the same in the manner required by this Act, and upon so doing, may charge the duty against the person who ought to have paid the same, or deduct such duty from the sum so directed to be paid.

(*b*)—Such bill, note, cheque, or order shall, so far as relates to the stamp-duty chargeable thereon, be valid; but this shall not relieve any person or firm from liability to the penalty which he or it may have incurred by issuing or giving the said bill, note, cheque, or order unstamped.

Procedure where receipts are required.

XXVII. (*a*)—Any person, or the agent of any person, from whom money exceeding in amount twenty rupees is due or claimed to be due, and

who shall have paid such money, may provide a piece of paper with an adhesive stamp of one anna affixed thereto, and may require of the person entitled to such money, or any agent to whom the same shall have been paid, a receipt for such money and also the value of the said stamp.

Refusal to give receipts.

(*b*)—If any one to whom money shall have been so paid refuses to give such receipt upon demand thereof, or to pay the value of the said stamp thereon, he shall be liable for every such offence to a fine not exceeding one hundred rupees.

After stamping when inadmissible.

XXVIII. Except as provided in sections eight and twenty-six, no stamp shall be affixed to, or impressed on, any bill of exchange, or promissory note, or any instrument chargeable hereunder with the duty of one anna, subsequent to the execution thereof, nor shall the provisions of sections twenty and twenty-four apply to any such instrument.

CHAPTER IV.

Criminal Penalties.

Penalty for executing instrument on paper not duly stamped.

XXIX. Any person or firm making, signing, or issuing or, except as provided in section twenty-six, accepting, endorsing, paying, or receiving payment of any bill of exchange, promissory note, cheque, or other similar instrument liable to any of the duties hereby imposed, without the same being duly stamped,

and any person making, executing, or signing otherwise than as a witness any other instrument liable to any of such duties without the same being duly stamped,

shall for every such offence, be liable to fine not exceeding one hundred rupees,

or, if ten times the value of the proper stamp exceeds one hundred rupees, to fine not exceeding ten times such value,

or, where an insufficient stamp has been used, if ten times the deficient amount exceeds one hundred rupees, to fine not exceeding ten times such amount.

XXX. Any person or firm presenting for acceptance or for payment, or accepting, paying, endorsing, transferring, or in any manner negotiating any bill of exchange or promissory note drawn or made out of British India whereon there is not such stamp as is required by this Act, shall be liable for every such offence to fine not exceeding one hundred rupees.

Penalty for presenting, &c., unstamped foreign bills or notes.

XXXI. Any person or firm presenting for acceptance or payment a bill of exchange or promissory note to which an adhesive stamp has been affixed under section eight,

Cancelling stamps on foreign bills by holder.

and any person or firm endorsing, transferring, or in any manner negotiating such bill or note,

shall, before delivering the same out of his or its hands, custody, or power, cancel the stamp so affixed,

in such manner as to show that the stamp has been made use of, and so that the same shall not admit of being used again.

Any person or firm who or which ought, as directed by this Act, to cancel such stamp in manner aforesaid, and refusing or neglecting so to do, shall be liable for every such offence to fine not exceeding one hundred rupees.

Penalty for failure to cancel such stamps.

XXXII. Any person or firm drawing or executing within British India a bill of exchange or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped as required by this Act the whole number of bills or policies of which such bill or policy purports the set to consist, shall, for every such offence, be liable to fine not exceeding one thousand rupees.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

XXXIII. Whenever an adhesive stamp is used as hereinbefore authorised, the person making or executing the instrument to which such stamp is affixed shall, before delivering the instrument

Cancellation of adhesive stamp by maker or executant.

out of his hands, custody, or power, cancel the stamp so used so that it cannot be used again.

Any person making or executing such instrument and failing to cancel the stamp affixed thereto in manner aforesaid shall, for every such offence, be liable to fine not exceeding one hundred rupees.

Penalty for failure to cancel such stamps.

XXXIV. (*a*)—When any moveable or immoveable property is sold, the full consideration-money directly or indirectly paid or secured, or agreed to be paid or secured, for the same, shall be truly set forth in words at length in the principal or only instrument whereby the property sold is conveyed to, or vested in, the purchaser or in any other person by his direction.

Consideration to be stated.

(*b*)—When any property is sold and conveyed subject to any mortgage or bond or other debt, or to any gross or entire sum of money, such debt or sum shall be deemed the consideration-money or part of the consideration-money (as the case may be) in respect whereof the duty chargeable under the first schedule to this Act shall be paid, notwithstanding the purchaser is not or does not become personally liable for such debt or sum,

Mortgage-money to be deemed purchase-money.

or does not agree to pay the same or to indemnify the seller against the same :

(*c*)—If the full consideration-money is not set forth as aforesaid, the purchaser and the seller shall each be liable to fine not exceeding five hundred rupees, and shall also pay a fine of five times the amount of the excess of duty with which such instrument would have been chargeable under this Act, if the full consideration-money had been duly set forth in such instrument, in addition to the duty actually paid for the same.

Penalty for not stating consideration.

XXXV. Any attorney, vakíl, pleader, mukhtár, or other person employed in or about the preparing of any instrument in or upon which the full consideration-money is hereby required to be truly set forth,

Penalty on attorneys, &c., not inserting true consideration.

or employed for any of the parties thereto in any wise about or relating to the transaction therein mentioned,

who knowingly inserts or sets forth, or causes to be inserted or set forth, in or upon any such instrument any other than the full consideration-money,

shall, for every such offence, pay a fine not less than five hundred rupees and not exceeding five thousand rupees.

Every attorney, vakíl, pleader, and mukhtár convicted under this section shall, from the date of such conviction, be disabled to practise as an attorney, vakíl, pleader, or mukhtár:

Provided that no person shall be liable to any penalty or disability under this section, unless the duty actually paid for the instrument is less than would have been payable for the same in case the consideration-money had been truly set forth as aforesaid.

Abetment.

XXXVI. Whoever abets within the meaning of the Indian Penal Code any offence made punishable by this Act shall be punished with the punishment hereinbefore provided for such offence.

Recovery of fines.

XXXVII. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm, or to all or any of the members thereof.

Reward to informers.

XXXVIII. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half to the person on whose information the offender has been convicted.

CHAPTER V.

Jurisdiction.

XXXIX. When any instrument chargeable with stamp-duty under this Act, whether previously stamped or not, is brought to the Collector, and the person bringing it desires to have the opinion of that officer as to the duty with which it is so chargeable and pays a fee of five rupees, the Collector shall assess and charge the duty to which, in his judgment, the instrument is liable; and upon payment of such duty or of such a sum as, with the duty already paid thereon, is equal to the duty so assessed and charged, and of the penalty, if any, incurred through the instrument having been executed on insufficiently stamped paper, shall certify by endorsement on such instrument that the full duty with which it is chargeable under this Act has been paid.

Adjudication of doubt as to proper stamp.

The instrument shall thereupon be deemed to be duly stamped and shall be receivable in evidence or otherwise in all Courts and public offices as if originally executed on paper bearing the proper stamp:

Provided that nothing contained in the former part of this section shall authorize the Collector to make any such endorsement on bills of exchange, promissory notes, or instruments chargeable with the stamp-duty of one anna when brought to him on unstamped or insufficiently stamped paper subsequent to the drawing or execution thereof.

XL. All certificates and orders of the Collector under this Act shall be open to revision on appeal or otherwise by the chief controlling Revenue Authority to which the Collector is subordinate:

Revision of Collector's certificates and orders.

Provided that no order passed on such revision shall invalidate any registration or other proceeding previously made or taken of or upon an instrument endorsed by the Collector under section twenty-four or section twenty-five.

XLI. (*a*)—The chief controlling Revenue Authority may state any case coming before it under this Act and refer such case with its own opi-

Reference to High Court.

nion thereon, if the case arise in the Presidency of Fort Saint George or the Presidency of Bombay, to the local High Court, and if it arise in any other part of British India, to the High Court at Fort William.

(*b*)—Every such case shall be decided by at least three Judges of the High Court to which it is referred, and in case of difference the opinion of the majority shall prevail.

(*c*)—If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue Authority by which it was stated to make such additions thereto or alterations therein as the Court may direct in that behalf.

(*d*)—The High Court upon the hearing of any such case shall decide the questions raised thereby and shall deliver its judgment thereon containing the grounds on which such decision is founded; and it shall send to the Revenue Authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Revenue Authority shall, on receiving the same, dispose of the case conformably to such judgment.

Power to remit penalties.

XLII. The chief controlling Revenue Authority may, upon petition, remit wholly or in part any penalty imposed under this Act.

Institution and conduct of prosecutions.

XLIII. All prosecutions in respect of any offence punishable by this Act, shall be instituted and conducted by the Collector or such other officer as the Local Government generally or the Collector specially authorizes in that behalf.

Jurisdiction of Magistrate.

XLIV. Offences punishable under this Act may be tried within the limits of the towns of Calcutta, Madras, and Bombay by a Magistrate of Police, and beyond those limits by the Magistrate of the District or a person exercising the powers of a Magistrate (as defined in the Code of Criminal Procedure) or of a Subordinate Magistrate of the first class:

Provided that, in imposing penalties under this Act, no such person shall exceed the limits of jurisdiction prescribed for him by the said Code.

CHAPTER VI.

Miscellaneous.

Refund in case of useless or spoiled stamped paper.

XLV. If any person possessing any stamped paper which has been obtained in the manner allowed by this Act or Act No. X of 1862 *(to consolidate and amend the law relating to stamp-duties)*, or any paper on which the stamp has been denoted by the Collector or the Superintendent of Stamps, does not require the same for use,

or if the paper so possessed becomes spoiled or unfit for use as hereinafter mentioned,

the Collector of the District in which the paper has been purchased may, upon application made to him within one year after such purchase, and upon delivery to him of such paper, refund the amount paid to Government for the same, whether by the applicant or any other person ;

or in case the owner of the paper so spoiled or unfit for use, desires to be supplied with stamped paper of similar or equal value, the Collector may cause such paper to be delivered to him or his agent upon payment of the value of the paper on which the new stamp or stamps shall be impressed.

When stamped paper shall be held to be spoiled.

XLVI. Stamped paper and paper on which the stamp has been denoted by the Collector or the Superintendent of Stamps, shall be held to be spoiled or unfit for use within the meaning of section forty-five when—

by accident happening to the same before any writing thereupon has been finally signed and executed, it is rendered unfit for use ;

or when, because of some error in the drawing up or copying of any writing thereon, discovered before such writing has been finally signed and executed, it is rendered of no avail ;

or when, by reason of death or refusal of the party whose signature may be necessary to effect the transaction intended by such writing, it remains incomplete and of no avail ;

or when, by refusal of any office or trust granted by a writing thereon, it has failed of the purpose intended ;

or when, by reason of failure of consideration, the transaction intended to be effected or evidenced by a writing thereon cannot be effected or evidenced ;

or when the transaction intended to be effected by a writing thereon has been effected by some other instrument duly stamped ;

or when, in the case of a negotiable instrument, such instrument is, by reason of non-delivery to the payee or person acting in his behalf, or other cause, never brought into use ;

or when, in the case of a bill of exchange other than a bill drawn in a set, it has not been presented for acceptance or payment.

Suit where consideration is not stated.

XLVII. Where in case of a sale, or an exchange upon which money is paid for equality of exchange, or a lease for a premium, the full consideration-money is not truly set forth in the manner hereby directed, the purchaser, or the person paying money for equality of exchange, or the lessee (as the case may be), or his representative in interest, may sue for and recover back from the seller, or the person receiving such money, or the lessor (as the case may be), or his representative in interest, so much of the consideration-money as is not set forth as aforesaid, or the whole thereof, if no part of the same is so set forth ;

and in such suit, notwithstanding anything hereinbefore contained, the conveyance, instrument of exchange, or lease shall be admissible in evidence.

Power to make rules for sale of stamps.

XLVIII. Every Local Government shall frame rules for regulating the sale of stamps and stamped paper required by this Act or by Act No. XXVI of 1867 (*to amend the law relating to stamp-duties*) for determining the persons by whom such sale is to be conducted, and for fixing the remuneration of such persons within the terri-

tories subject to its control: and may from time to time alter and add to such rules.

Such rules, alterations, and additions shall, when approved by the Governor-General of India in Council, and after publication in the local official Gazette, have the force of law.

Approval and publication of rules.

Any person appointed to sell such stamps and stamped paper, who knowingly disobeys any such rule, shall be punished with simple imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Penalty for disobeying rules.

XLIX. When an impressed stamp is used under section five to denote the amount of duty with which any instrument is chargeable, such amount shall be denoted by a single stamp, except when such amount exceeds one thousand rupees, in which case it may be denoted by two or more impressed stamps, of which the aggregate amount is the amount so required.

Employment of single impressed stamp.

Provided that, when a single impressed stamp of any amount less than one thousand rupees is not procurable on application to the Collector or stamp-vendor appointed under section forty-eight, it shall be lawful, on such officer making a certificate to that effect, for the person requiring such stamp to denote the amount by two or more impressed stamps, of which the aggregate amount is the amount so required.

L. When more stamped papers than one are used under section forty-nine for an instrument chargeable with stamp-duty under this Act, each paper so used shall contain a part of the instrument.

Employment of several stamped papers.

LI. Every Local Government shall cause this Act and the schedules hereto annexed to be carefully translated into the principal vernacular languages of the territories subject to its control.

Act to be translated, indexed, and sold cheaply.

A full alphabetical index shall be added to every such translation, and the translation and index shall be printed and sold to the public at a price not exceeding four annas per copy.

SCHEDULE I.

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.	Proper Stamp-duty.		
	If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1. BILL OF EXCHANGE PAYABLE OTHERWISE THAN ON DEMAND ... — When the amount of the bill or note does not exceed Rs. 100 ...	0 1 0	0 1 0	0 1 0
And when the amount exceeds Rs. 100 but does not exceed Rs. 200	0 2 0	0 1 0	0 1 0
„ „ 200 „ „ 300	0 3 0	0 2 0	0 1 0
„ „ 300 „ „ 600	0 6 0	0 3 0	0 2 0
„ „ 600 „ „ 900	0 9 0	0 5 0	0 3 0
„ „ 900 „ „ 1,200	0 12 0	0 6 0	0 4 0
„ „ 1,200 „ „ 1,500	0 15 0	0 8 0	0 5 0
„ „ 1,500 „ „ 2,500	1 8 0	0 12 0	0 8 0
2. PROMISSORY NOTE PAYABLE OTHERWISE THAN ON DEMAND ... — For every Rs. 2,500 or part thereof in excess of Rs. 2,500 up to Rs. 10,000	1 8 0	0 12 0	0 8 0
For every Rs. 5,000 or part thereof in excess of Rs. 10,000 up to Rs. 30,000	3 0 0	1 8 0	1 0 0
And for every Rs. 10,000 or part thereof in excess of Rs. 30,000 ...	6 0 0	3 0 0	2 0 0
	If drawn singly.	If drawn in duplicate, then for each part.	
	Rs. A. P.	Rs. A. P.	
3. POLICY OF INSURANCE ... — When the amount insured does not exceed Rs. 1,000... ...	0 4 0	0 2 0	
And for every further sum of Rs. 1,000 insured or for every part thereof	0 4 0	0 2 0	

SCHEDULE I—(*continued*).

Instruments chargeable with ad valorem Stamp-duties—(continued).

DESCRIPTION OF INSTRUMENTS.		PROPER STAMP-DUTY.
4. *TRANSFER OF A SHARE IN A COMPANY OR ASSOCIATION ...	When the amount paid for such share does not exceed Rs. 100 ...	Rs. A. P. 0 4 0
	For every Rs. 100 of such amount or part thereof in excess of Rs. 100 up to Rs. 1,000	0 4 0
	And for every Rs. 500 of the same or part thereof in excess of Rs. 1,000	
5. BOND FOR ANY SPECIFIED AMOUNT, OTHER THAN AN ADMINISTRATION BOND ...	When the amount secured does not exceed Rs. 25	1 4 0
	When such amount exceeds Rs. 25 but does not exceed Rs. 50 ...	0 2 0
	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000	0 4 0
6. BOTTOMRY-BOND ...		0 8 0
7. RESPONDENTIA-BOND ...	For every Rs. 500 or part thereof in excess of Rs. 1,000 up to Rs. 10,000	0 8 0
	For every Rs. 1,000 or part thereof in excess of Rs. 10,000 up to Rs. 30,000	2 8 0
	And for every Rs. 10,000 or part thereof in excess of Rs. 30,000...	2 8 0
8. CUSTOMS-BOND ...	(*a*) When the amount secured does not exceed Rs. 1,000 ...	12 8 0
	(*b*) When such amount exceeds Rs. 1,000	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
9. INDEMNITY-BOND...	(*a*) When the amount secured does not exceed Rs. 3,000 ...	Five Rupees.
	(*b*) When such amount exceeds Rs. 3,000 or is not expressed	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
		Sixteen Rupees.

10. MORTGAGE-DEED, WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS NOT GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION ...	...		The stamp-duty with which a Bond for the amount secured is chargeable (No. 5).
11. INSTRUMENT OF FURTHER CHARGE ON SUCH PROPERTY, WHETHER BY INDORSEMENT OR OTHERWISE ...			
12. BOND OR MORTGAGE-DEED FOR THE DUE EXECUTION OF AN OFFICE, OR TO ACCOUNT FOR MONEY RECEIVED BY VIRTUE THEREOF ...	(*a*)	When the amount secured does not exceed Rs. 3,000 ...	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(*b*)	When such amount exceeds Rs. 3,000 or the amount is not expressed	Sixteen Rupees.
13. ASSIGNMENT OF ANY INTEREST SECURED BY A BOND OR MORTGAGE-DEED ...	(*a*)	When the amount of such interest does not exceed Rs. 3,000	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(*b*)	In any other case	Sixteen Rupees.
14. SETTLEMENT			The stamp-duty with which a Bond for the amount or value of the property thereby settled is chargeable (No. 5).

NOTE.—The stamp-duty chargeable on the instrument marked* may be denoted by an adhesive stamp when the transfer is made by endorsement.

SCHEDULE I—(*continued*).

Instruments chargeable with ad valorem Stamp-duties—(continued).

Description of Instruments.							Proper Stamp-duty.		
							Rs.	As.	P.
15. CONVEYANCE ...	When the amount paid or secured does not exceed Rs. 50 ...						0	8	0
16. MORTGAGE-DEED, WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION ...	When such amount exceeds Rs. 50 but does not exceed Rs. 100...						1	0	0
	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000						1	0	0
17. INSTRUMENT OF FURTHER CHARGE ON SUCH PROPERTY, WHETHER BY INDORSEMENT OR OTHERWISE ...	„	„ 500	„	„	„ 1,000	„ 10,000	5	0	0
	„	„ 1,000	„	„	„ 10,000	„ 30,000	5	0	0
	„	„ 10,000	„	„	„ 30,000	„ 1,00,000	50	0	0
	„	„ 20,000	„	„	„ 1,00,000		75	0	0
18. INSTRUMENT OF EXCHANGE OR PARTITION OF IMMOVEABLE PROPERTY WHEN MONEY IS PAID FOR EQUALITY OF EXCHANGE OR PARTITION ...	...	...	...	...	...	...	The stamp-duty with which a conveyance for the amount so paid is chargeable (No. 15), in addition to the stamp-duty with which an instrument of exchange of immoveable property or a partition-deed is chargeable under schedule II.		

19. LEASE ...	(a) Where the lease is expressed to be for a term of less than one year...	The stamp-duty with which a Bond (No. 5) for the total amount payable under such lease is chargeable.
	(b) Where the lease is expressed to be for a term of not less than one year but not more than three years ...	The stamp-duty with which a Bond for the total amount payable under such lease during the first year of the term is chargeable.
	(c) Where the lease is expressed to be for a term exceeding three years, or where no term is expressed	The stamp-duty with which a conveyance for the total amount payable under such lease during the first year of the term is chargeable.
	(d) Where the lease is granted in consideration of a fine or premium and where no rent is reserved	The stamp-duty with which a conveyance for the amount so paid is chargeable.
	(e) Where the lease is granted in consideration of a fine or premium and also of a rent	The stamp-duty with which a conveyance for the amount of the fine or premium is chargeable, in addition to the stamp-duty with which the lease would be chargeable in case no such fine or premium had been paid.
20. SURRENDER OF LEASE ...	(a) Where the amount of stamp-duty chargeable on the lease does not exceed Rs. 16	The stamp-duty with which the lease is chargeable (No. 19).
	(b) In any other case	Sixteen Rupees.

SCHEDULE I—(*continued*).

Instruments chargeable with ad valorem Stamp-duties—(continued).

DESCRIPTION OF INSTRUMENTS.		PROPER STAMP-DUTY.
21. APPRAISEMENT OR VALUATION— OF ANY PROPERTY OR OF ANY INTEREST THEREIN OR OF THE ANNUAL OR MONTHLY VALUE THEREOF ... OR OF ANY REPAIRS WANTED ... OR OF THE MATERIALS USED OR TO BE USED IN ANY BUILDING ... OR OF ANY ARTIFICER'S WORK ...	(*a*) Where the amount of such appraisement or valuation does not exceed Rs. 500...	Eight Annas.
	(*b*) Where it exceeds Rs. 500	One Rupee.
22. AWARD ...	(*a*) Where the amount or value of the property in dispute expressed in such award does not exceed Rs. 500 ...	Eight Annas.
	(*b*) Where such amount or value exceeds Rs. 500, or where no amount or value is expressed in the award	One Rupee.
23. COPY, DUPLICATE, OR EXTRACT, ATTESTED TO BE A TRUE COPY, DUPLICATE, OR EXTRACT ...	(*a*) If the duty chargeable on the original does not exceed Rs. 5, or if no duty is chargeable on the original	Eight Annas.
	(*b*) If the duty chargeable on the original exceeds Rs. 5, but does not exceed Rs. 20	One Rupee.
	(*c*) If such duty exceeds Rs. 20, but does not exceed Rs. 50 ...	Two Rupees.
	(*d*) If such duty exceeds Rs. 50	Four Rupees.

SCHEDULE I—(*continued*).

Table showing the Stamp-duty chargeable under this Schedule on any Bill of Exchange or Promissory Note, the amount of which does not exceed Rs. 2,00,000.

When the amount exceeds		but does not exceed	Proper Stamp-duty. If drawn singly.		If drawn in sets of two, for each part of the set.		If drawn in sets of three, for each part of the set.	
Rs.		Rs.	Rs.	A.	Rs.	A.	Rs.	A.
.....	...	100	0	1	0	1	0	1
100	...	200	0	2	0	1	0	1
200	...	300	0	3	0	2	0	1
300	...	600	0	6	0	3	0	2
600	...	900	0	9	0	5	0	3
900	...	1,200	0	12	0	6	0	4
1,200	...	1,500	0	15	0	8	0	5
1,500	...	2,500	1	8	0	12	0	8
2,500	...	5,000	3	0	1	8	1	0
5,000	...	7,500	4	8	2	4	1	8
7,500	...	10,000	6	0	3	0	2	0
10,000	...	15,000	9	0	4	8	3	0
15,000	...	20,000	12	0	6	0	4	0
20,000	...	25,000	15	0	7	8	5	0
25,000	...	30,000	18	0	9	0	6	0
30,000	...	40,000	24	0	12	0	8	0
40,000	...	50,000	30	0	15	0	10	0
50,000	...	60,000	36	0	18	0	12	0
60,000	...	70,000	42	0	21	0	14	0
70,000	...	80,000	48	0	24	0	16	0
80,000	...	90,000	54	0	27	0	18	0
90,000	...	1,00,000	60	0	30	0	20	0
1,00,000	...	1,10,000	66	0	33	0	22	0
1,10,000	...	1,20,000	72	0	36	0	24	0
1,20,000	...	1,30,000	78	0	39	0	26	0
1,30,000	...	1,40,000	84	0	42	0	28	0
1,40,000	...	1,50,000	90	0	45	0	30	0
1,50,000	...	1,60,000	96	0	48	0	32	0
1,60,000	...	1,70,000	102	0	51	0	34	0
1,70,000	...	1,80,000	108	0	54	0	36	0
1,80,000	...	1,90,000	114	0	57	0	38	0
1,90,000	...	2,00,000	120	0	60	0	40	0

SCHEDULE I—(*continued*).

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000.

When such sum exceeds			but does not exceed	Proper Stamp-duty.	
Rs.			Rs.	Rs.	As.
...			25	0	2
25	...	...	50	0	4
50	...	...	100	0	8
100	...	...	200	1	0
200	...	...	300	1	8
300	...	...	400	2	0
400	...	...	500	2	8
500	...	...	600	3	0
600	...	...	700	3	8
700	...	...	800	4	0
800	...	...	900	4	8
900	...	...	1,000	5	0
1,000	..	...	1,500	7	8
1,500	...	...	2,000	10	0
2,000	...	...	2,500	12	8
2,500	...	...	3,000	15	0
3,000	...	...	3,500	17	8
3,500	...	...	4,000	20	0
4,000	...	...	4,500	22	8
4,500	...	...	5,000	25	0
5,000	...	...	5,500	27	8
5,500	...	...	6,000	30	0
6,000	...	...	6,500	32	8
6,500	...	...	7,000	35	0
7,000	...	...	7,500	37	8
7,500	...	...	8,000	40	0
8,000	...	...	8,500	42	8
8,500	...	...	9,000	45	0
9,000	...	...	9,500	47	8
9,500	...	...	10,000	50	0
10,000	...	...	11,000	52	8
11,000	...	...	12,000	55	0
12,000	...	...	13,000	57	8
13,000	...	...	14,000	60	0
14,000	..	...	15,000	62	8
15,000	...	...	16,000	65	0
16,000	...	...	17,000	67	8
17,000	...	...	18,000	70	0
18,000	...	...	19,000	72	8
19,000	...	...	20,000	75	0
20,000	...	...	21,000	77	8
21,000	...	...	22,000	80	0
22,000	...	...	23,000	82	8

SCHEDULE I—(*continued*).

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000—(continued).

When such sum exceeds	but does not exceed	Proper Stamp-duty.	
Rs.	Rs.	Rs.	As.
23,000	24,000	85	0
24,000	25,000	87	8
25,000	26,000	90	0
26,000	27,000	92	8
27,000	28,000	95	0
28,000	29,000	97	8
29,000	30,000	100	0
30,000	40,000	112	8
40,000	50,000	125	0
50,000	60,000	137	8
60,000	70,000	150	0
70,000	80,000	162	8
80,000	90,000	175	0
90,000	1,00,000	187	8
1,00,000	1,10,000	200	0
1,10,000	1,20,000	212	8
1,20,000	1,30,000	225	0
1,30,000	1,40,000	237	8
1,40,000	1,50,000	250	0
1,50,000	1,60,000	262	8
1,60,000	1,70,000	275	0
1,70,000	1,80,000	287	8
1,80,000	1,90,000	300	0
1,90,000	2,00,000	312	8
2,00,000	2,10,000	325	0
2,10,000	2,20,000	337	8
2,20,000	2,30,000	350	0
2,30,000	2,40,000	362	8
2,40,000	2,50,000	375	0
2,50,000	2,60,000	387	8
2,60,000	2,70,000	400	0
2,70,000	2,80,000	412	8
2,80,000	2,90,000	425	0
2,90,000	3,00,000	437	8
3,00,000	3,10,000	450	0
3,10,000	3,20,000	462	8
3,20,000	3,30,000	475	0
3,30,000	3,40,000	487	8
3,40,000	3,50,000	500	0
3,50,000	3,60,000	512	8
3,60,000	3,70,000	525	0
3,70,000	3,80,000	537	8
3,80,000	3,90,000	550	0
3,90,000	4,00,000	562	8

SCHEDULE I—(*continued*).

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000.

When the amount of such consideration-money exceeds	but does not exceed	Proper Stamp-duty.	
Rs.	Rs.	Rs.	As.
...	50	0	8
50	100	1	0
100	200	2	0
200	300	3	0
300	400	4	0
400	500	5	0
500	600	6	0
600	700	7	0
700	800	8	0
800	900	9	0
900	1,000	10	0
1,000	1,500	15	0
1,500	2,000	20	0
2,000	2,500	25	0
2,500	3,000	30	0
3,000	3,500	35	0
3,500	4,000	40	0
4,000	4,500	45	0
4,500	5,000	50	0
5,000	5,500	55	0
5,500	6,000	60	0
6,000	6,500	65	0
6,500	7,000	70	0
7,000	7,500	75	0
7,500	8,000	80	0
8,000	8,500	85	0
8,500	9,000	90	0
9,000	9,500	95	0
9,500	10,000	100	0
10,000	11,000	105	0
11,000	12,000	110	0
12,000	13,000	115	0
13,000	14,000	120	0
14,000	15,000	125	0
15,000	16,000	130	0
16,000	17,000	135	0
17,000	18,000	140	0
18,000	19,000	145	0
19,000	20,000	150	0
20,000	21,000	155	0
21,000	22,000	160	0
22,000	23,000	165	0

SCHEDULE 1—*(concluded)*.

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000 —(continued).

When the amount of such consideration-money exceeds			but does not exceed	Proper Stamp-duty.	
Rs.			Rs.	Rs.	As
23,000	...	...	24,000	170	0
24,000	...	...	25,000	175	0
25,000	...	...	26,000	180	0
26,000	...	...	27,000	185	0
27,000	...	...	28,000	190	0
28,000	...	...	29,000	195	0
29,000	...	...	30,000	200	0
30,000	...	...	40,000	250	0
40,000	...	...	50,000	300	0
50,000	...	...	60,000	350	0
60,000	...	...	70,000	400	0
70,000	...	...	80,000	450	0
80,000	...	...	90,000	500	0
90,000	...	...	1,00,000	550	0
1,00,000	...	...	1,20,000	625	0
1,20,000	...	...	1,40,000	700	0
1,40,000	...	...	1,60,000	775	0
1,60,000		...	1,80,000	850	0
1,80,000	...	...	2,00,000	925	0
2,00,000	...	...	2,20,000	1,000	0
2,20,000	...	...	2,40,000	1,075	0
2,40,000	...	...	2,60,000	1,150	0
2,60,000	...	...	2,80,000	1,225	0
2,80,000	...	...	3,00,000	1,300	0
3,00,000	...	...	3,20,000	1,375	0
3,20,000	...	...	3,40,000	1,450	0
3,40,000	...	...	3,60,000	1,525	0
3,60,000	...	...	3,80,000	1,600	0
3,80,000	...	...	4,00,000	1,675	0

SCHEDULE II.

Instruments chargeable with fixed Stamp-duties.

Description of Instruments.	Proper Stamp-duty.
1.—BILL OF EXCHANGE, PROMISSORY NOTE, CHEQUE OR ORDER for the payment on demand of an amount exceeding twenty rupees	One Anna.*
2.—LETTER OF CREDIT	
3.—AGREEMENT OR MEMORANDUM OF AN AGREEMENT relating to the sale of any Government Security, share in a Company or Association, or Bill of Exchange ...	
4.—CERTIFICATE OR OTHER DOCUMENT purporting to denote the right or title of the holder thereof, or any other person, either to any shares, scrip, or stock in or of any Company or Association, or proposed Company or Association, or to become proprietor of shares, scrip, or stock in or of any such Company or Association	
5.—NOTE OR MEMORANDUM written in any book or written on a separate paper, whereby any account, debt, or demand, or any part of any account, debt, or demand therein specified, and amounting to twenty rupees or upwards, is expressed to have been balanced, or is acknowledged to be due	
6.—SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel ...	
7.—RECEIPT OR DISCHARGE given for or upon the payment of money, or delivery of goods in satisfaction of a debt, the amount or value of which money or goods exceeds twenty rupees...	
8.—PROXY to vote at any one meeting of—	
(*a*)—Members of a Company or Association whose stock or funds is or are divided into shares and transferable	
(*b*)—Municipal Commissioners	
(*c*)—Justices of the Peace, being a body corporate	
(*d*)—Proprietors, members, or contributors to the funds of any institution	
9.—BILL OF LADING	Four Annas.
10.—DOCK-WARRANT	

* This duty may be denoted by an adhesive stamp.

DESCRIPTION OF INSTRUMENTS.	PROPER STAMP-DUTY.
11.—ANY AGREEMENT OR MEMORANDUM OF AN AGREEMENT not otherwise provided for by this Act: Provided that where two or more letters are offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped as an agreement	Eight Annas.
12.—NOTICE OF PROTEST by the master of a ship	
13.—POWER-OF-ATTORNEY to present for registration— (*a*)—A single instrument... (*b*)—Any number of instruments required for the completion of a single transaction...	
14.—AFFIDAVIT not made for the immediate purpose of being produced in any Court ...	One Rupee.
15.—COLLATERAL INSTRUMENT not otherwise provided for by this Schedule	
16.—COUNTERPART OF ANY INSTRUMENT chargeable with stamp-duty under this Act: Provided that the counterpart shall not be available unless the Collector or such other officer as he may authorize in that behalf shall certify that the proper stamp-duty on the original instrument has been paid. Such certificate shall be endorsed on the counterpart on the same being produced together with the original instrument, and on the whole being duly executed and duly stamped in other respects...	
17.—INSTRUMENT OF DISSOLUTION OF PARTNERSHIP	
18.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with does not exceed five hundred rupees	
19.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with exceeds five hundred rupees	Two Rupees.
20.—BOND OR MORTGAGE-DEED executed as a collateral security for the performance of any act, where such performance is secured by some instrument previously executed on stamped paper in accordance with the law in force in British India at the time of its execution	

SCHEDULE II—(*concluded*).

Description of Instruments.	Proper Stamp-duty.
21.—INSTRUMENT EVIDENCING AN AGREEMENT to secure the repayment on or before the expiration of three months from the date of such instrument of a loan made upon the deposit of title-deeds or other valuable security	Two Rupees.
22.—CHARTER-PARTY	
23.—NOTARIAL ACT	
24.—PROTEST OF A BILL OF EXCHANGE OR PROMISSORY NOTE	
25.—PROTEST OF THE MASTER OR OWNER OF A SHIP	
26.—INSTRUMENT OF CO-PARTNERSHIP...	Four Rupees.
27.—RECONVEYANCE OF MORTGAGED PROPERTY, when the original mortgage-deed has been stamped in accordance with the law in force in British India at the time of its execution	
28.—COMPOSITION-DEED	Eight Rupees.
29.—LETTER OF LICENSE	
30.—RELEASE	
31.—INSTRUMENT PURPORTING TO CONFER AN AUTHORITY TO ADOPT ...	
32.—POWER-OF-ATTORNEY not otherwise provided for by this Schedule	
33.—ARTICLES OF ASSOCIATION of a Company	Sixteen Rupees.
34.—MEMORANDUM OF ASSOCIATION of a Company	
35.—APPOINTMENT in execution of a power, whether of Trustees, or of property, moveable or immoveable, where made by any writing not being a Will	
36.—DECLARATION OF ANY USE OR TRUST of or concerning any property, moveable or immoveable, where made by any writing not being a Will	
37.—INSTRUMENT OF GIFT OF IMMOVEABLE PROPERTY	
38.—INSTRUMENT OF EXCHANGE OF IMMOVEABLE PROPERTY where no money is paid or agreed to be paid for equality of exchange	
39.—PARTITION-DEED relating to immoveable property where no money is paid or agreed to be paid for equality of exchange ...	
40.—PETITION FOR LEAVE TO FILE A SPECIFICATION OF AN INVENTION, or for the extension of the term of the exclusive privilege of making, using, or selling such invention in India	One hundred Rupees.
41.—ARTICLES OF CLERKSHIP or contract whereby any person shall first become bound to serve as a clerk in order to his admission as an Attorney in any High Court	Five hundred Rupees.

SCHEDULE III.

Enactments repealed by section 2.

No. and date of Act.	Title of Act.	Extent of repeal.
Act XIV of 1840.	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements by extending to the territories of the East India Company, in cases governed by English law, the provisions of the Statute 9 Geo. IV., cap. XIV.	Section 8.
„ XVIII of 1856.	An Act relating to the administration of the public revenues in the Town of Calcutta.	So much of the preamble as relates to stamp-duty, and section 2.
„ XIX of 1858.	An Act to provide for the authentication of stamped paper issued from the Stamp Office in Calcutta.	The whole.
„ XLI of 1858.	An Act to amend Regulation X. 1829, of the Bengal Code (for the collection of stamp-duties).	The whole.
„ XV of 1859.	An Act for granting exclusive privileges to inventors.	Section 37.
„ X of 1862.	An Act to consolidate and amend the law relating to stamp-duties.	Sections 1 to 25 both inclusive, sections 27, 28, 29, sections 34 to 57 both inclusive, and schedule A.
„ XXVI of 1867.	An Act to amend the law relating to stamp-duties.	Section 5.

HYDERABAD ADMINISTRATOR-GENERAL'S ACT.

ACT No. XIX OF 1869.

(*Received the assent of the Governor-General on the 3rd September*, 1869.)

An Act to facilitate administration to the estates of deceased British subjects in the Hyderabad Assigned Districts.

1—2. The Hyderabad Assigned Districts transferred from the Madras to the Bombay Presidency; (2) saving Acts done prior to this Act.

Preamble.

WHEREAS under the Administrator-General's Act, 1867, the Administrator-General of Madras is, in the cases therein mentioned, entitled to administer to the estates of deceased British subjects in the Hyderabad Assigned Districts; and whereas the facilities of communication between the said Districts and Bombay are now greater than those between the said Districts and Madras, and it is therefore expedient to substitute, so far as regards the said estates, the Administrator-General of Bombay for the Administrator-General of Madras; It is hereby enacted as follows:—

Alterations of Act XXIV of 1867, sec. 3.

I. The definition of "Presidency of Madras" contained in the third section of the Administrator-General's Act, 1867, shall be read as if the words "and the Hyderabad Assigned Districts" were omitted therefrom;

and the definition of "Presidency of Bombay" contained in the same section shall be read as if the following words were added thereto (that is to say)—"and also, so far as regards British subjects the Hyderabad Assigned Districts."

Saving of probates and administrations already granted to Administrator-General of Madras.

II. Nothing in this Act shall affect the rights, powers, or duties of the Administrator-General of Madras, under or by virtue of any probate or letters of administration heretofore granted to him.

THE INDIAN VOLUNTEERS' ACT.

ACT No. XX OF 1869.

(Received the assent of the Governor-General on the 10th September, 1869.)

An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.

1—15. Entitles the Act as above; (2) defines its extent; (3) repeals former Act; (4) defines the meaning of the term "Magistrate;" (5) permits the formation of corps of Volunteers with the sanction of Government; (6) makes a certificate of enrolment evidence of enrolment; (7) empowers the Governments to disband corps or remove members; (8) makes Volunteers subject to the Articles of War for military offences; (9) provides for the appointment of General Courts Martial; (10) defines the number of officers of which they shall consist; (11) provides for Regimental Courts Martial; and (12) applies the Articles of War relating to Courts Martial to Courts under this Act; (13) requires notice to be given of any officer's intention to quit the corps; (14) on his quitting the corps every commission which he holds to cease; and (15) to deliver up arms, &c., belonging to Government.

16. Volunteers not bound to serve beyond limits engaged for, &c.

17. Authorizes Commanding Officers to make general rules for the regulation of times, &c., of service, subject to the sanction of Government.

18—20. Provides penalties for not attending duty, &c., except drill; and (19) not attending drill, &c.; and (20) for not paying fines, &c.

21—22. Provides a penalty for assaulting, &c., Volunteers while in discharge of duty; and (22) provides procedure for the recovery of fines.

23—26. Empowers Volunteers on duty to disarm persons not having a license to carry arms, &c.; and (24) to prevent the disturbance of the public peace, &c.; (25) exempts from taxes one horse of every mounted officer; and (26) establishes a limitation of time for bringing actions.

Preamble.

WHEREAS many loyal subjects of Her Majesty have volunteered their services for the protection of life and property and the preservation of the peace, and have with the sanction of Government associated and enrolled themselves as Military Corps under the command of officers appointed for that purpose; and it is expedient to provide for the good order and discipline of such corps, and to invest their members with certain powers; It is hereby enacted as follows:—

Preliminary.

Short title.

I. This Act may be called "The Indian Volunteers' Act, 1869."

II. This Act shall extend to the whole of British India and (so far as regards British subjects) to the dominions of Native Princes and States in alliance with Her Majesty.

Extent of Act.

~~III.~~ Act No. XXIII of 1857 *(to provide for the good order and discipline of certain Volunteer Corps, and to invest them with certain powers)* is hereby repealed.

Repeal of Act XXIII of 1857.

IV. In this Act "Magistrate" means, within the limits of the Presidency Towns, a Magistrate of Police and, without those limits, a person exercising the full powers of a Magistrate.

"Magistrate."

Formation and Dissolution of Volunteer Corps.

V. Corps of Volunteers may, with the sanction of the Governor-General of India in Council, or of the Local Government, be formed in any part of British India or of the said dominions.

Formation of corps.

VI. A certificate of enrolment in such corps, signed by the Commanding Officer thereof, shall be *primâ facie* evidence of such enrolment.

Certificate of Commanding Officer to be evidence of enrolment.

VII. The Governor-General of India in Council or the Local Government may disband any corps formed or enrolled under the provisions of this Act or of Act No. XXIII of 1857, or remove from such corps any member thereof.

Power to disband corps or remove members.

Application of Articles of War.

VIII. Every member of a corps of Volunteers shall, for all military offences of which he shall be guilty whilst on actual duty or on parade, be subject to the Articles of War for the time being in force for the better government of Her Majesty's Army, so far as the same are applicable to officers and consistent with the provisions of this Act:

Volunteers subjected to Articles of War so far as they apply to officers.

Provided that no such member shall for any offence against the said Articles be subject to the punishment of death.

Proviso.

Courts Martial.

IX. General Courts Martial shall be convened and appointed by the Commanding Officer of the corps, with the sanction of the Local Government, for the trial of military offences of which any member of such corps shall be guilty whilst on actual duty.

Appointment of and sentences by General Courts Martial.

No sentence of such Court Martial shall be put into execution until after a report of the whole proceedings shall have been made to, and the sentence shall have been confirmed by, the Local Government.

The Local Government may commute any such sentence for a less punishment, or pardon the offender.

X. General Courts Martial shall consist of not less than nine members of the corps, and every member of the corps, whether an officer or not, shall be competent to sit and act as a member of such Court Martial.

General Courts Martial of whom to be composed.

XI. Regimental Courts Martial may be convened by the Commanding Officer of the corps, and shall consist of not less than three members of the corps.

Regimental Courts Martial.

XII. The proceedings of Courts Martial convened under this Act shall be conducted according to the laws and customs applicable to Courts Martial held under the said Articles of War, except so far as the same are inconsistent with the provisions of this Act.

Procedure of Courts Martial held under this Act.

Withdrawal from Corps.

XIII. Any person enrolled as a member of a corps of Volunteers, whether he shall have been elected or commissioned as an officer in such corps or not, may, except whilst on actual duty, quit the corps upon giving to the officer commanding the corps seven days' previous notice in writing of his intention so to do, or without such notice if the Commanding Officer of the corps shall consider it reasonable and allow him so to do.

Power to quit the corps.

XIV. Every commission to any member of a corps of Volunteers appointing him an officer in such corps shall cease upon his retirement or dismissal from the corps.

Commissions to officers to cease on retirement or

XV. Every member of a corps of Volunteers who shall have received any arms, ammunition, accoutrements, or uniform belonging to Government, or which shall have been furnished from the public stores, or at the public expense, shall, upon his quitting such corps,

Delivery of arms belonging to Government by members quitting the corps.

or upon his dismissal therefrom,

or whenever he shall be required so to do by the Commanding Officer of the corps,

or whenever the corps shall be disbanded,

deliver up to the Commanding Officer or such person as he shall appoint to receive the same, all such arms, ammunition, accoutrements, and uniform in good order and condition, reasonable wear thereof only excepted ;

and in default thereof he hall pay such sum of money as shall be adjudged by a Regimental Court Martial to be assembled for that purpose by the Commanding Officer of the corps. A copy of such adjudication, signed by the President of the Court Martial, shall be sent to the principal Court of original civil jurisdiction in the district in which the adjudication shall have been given, and shall be executed by such Court as if it were a decree for money under the Code of Civil Procedure.

Local Limits of Service.

XVI. No member of a corps of Volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits within which he shall have voluntarily engaged to serve or proceed on duty in accordance with the terms upon which the corps to which he belongs shall have been constituted; and in case no such limits shall have been fixed, he shall not be liable to serve or proceed on duty beyond four miles from the place at which he was enrolled.

No member bound to serve beyond certain distance.

Rules.

XVII. The Commanding Officer of every corps of Volunteers may frame such general rules as he may think fit for regulating the times at which and the manner in which the duties of the corps and of the several members of detachments thereof shall be discharged.

Commanding Officer to frame rules which shall be binding on the members.

Such rules, when sanctioned by the Local Government, shall be binding on the corps and on the several members thereof.

Pemalties.

XVIII. If any member of a corps of Volunteers, being warned for actual duty other than drill or parade, shall, without reasonable excuse, neglect to attend such duty, he shall be liable, upon conviction by a General Court Martial, to a fine not exceeding one hundred rupees, or to simple dismissal from the corps, or to dismissal from the corps as unworthy to belong to it.

Not attending actual duty other than drill or parade.

XIX. If any member of such corps shall without reasonable excuse neglect to attend drill or parade at such times as may be appointed for that purpose,

Not attending drill or parade.

or shall be guilty of any neglect of duty or other military offence which in the judgment of the Commanding Officer of the corps will be sufficiently punished by a small fine,

Other minor military offence.

he shall be liable to pay such fine, not exceeding fifty rupees, as a Regimental Court Martial shall impose.

XX. If any member of such corps shall neglect or refuse to pay any fine to which he shall be sentenced by any Court Martial, within such time as shall be fixed by the Commanding Officer of the corps, he may be dismissed by the said Commanding Officer from the said corps; and every such dismissal shall be recorded and reported to the Local Government.

Punishment for non-payment of fine.

Penalty for assaulting or resisting Volunteers in discharge of their duty.

XXI. Whoever assaults or resists, or abets within the meaning of the Indian Penal Code any person in assaulting or resisting, any member of such corps in the discharge of his duty, shall be punishable, on conviction before a Magistrate, with fine not exceeding two hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

Recovery of fines.

XXII. In default of payment of any fine imposed by a Court Martial under this Act, a copy of the sentence of the Court Martial imposing the fine, signed by the President of such Court, may be sent to a Magistrate in the Presidency Town or the District in which the fine shall have been imposed, who shall thereupon cause the fine to be recovered as if he had himself imposed it.

Fines imposed under section twenty-one may be recovered, if for offences committed outside the limits of the Presidency Towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

Powers of Volunteers.

Power to disarm persons.

XXIII. Any member of a corps of Volunteers, whenever he may be in discharge of his duty as a member of the corps, and wheresoever he may then be, may disarm any person not being in Her Majesty's Military or Naval service or a Police officer, found between sunset and sunrise in any public street, thoroughfare, or other public place, armed with a sword, spear, gun, or other warlike instrument, without a pass or license for that purpose from the Commissioner of Police or other officer authorized by Government to grant the same;

and may also disarm any person found armed at any time contrary to law or to any order of Government in any public street, thoroughfare, or other public place;

and may also apprehend and deliver over to a Police officer any person so found armed in order that he may be dealt with according to law;

And to apprehend and deliver to police.

and the weapon so seized shall be forfeited to Government or otherwise dealt with according to law, or to the orders of Government.

Forfeiture of weapons seized.

XXIV. Any member of such corps, whenever he is on duty, may prevent any disturbance of the public peace, and disperse any persons whom he may find assembled together to the number of five or more without reasonable cause between sunset and sunrise in any public street, thoroughfare, or other public place in which such member of the said corps may be in the discharge of his duty,

Power to prevent disturbances of the public peace.

To disperse unlawful assemblies.

and may also apprehend any person reasonably suspected of having committed, or being about to commit, any offence against the State, or of having abetted within the meaning of the Indian Penal Code, or being about to abet, any other person in the commission of such offence; and deliver him over to some Police officer.

To apprehend certain suspected persons.

Miscellaneous.

XXV. Every mounted officer, and every mounted orderly of a corps of Volunteers, and every member of such corps, while he belongs to a troop of cavalry in such corps, shall be at liberty to keep one horse without being liable to pay in respect thereof any municipal or other tax imposed upon horses.

Exemption from horse-tax.

XXVI. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act [or the said Act No. XXIII of 1857,] without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

Limitation of suits.

THE EUROPEAN VAGRANCY ACT, 1869.

ACT No. XXI OF 1869.

(Received the assent of the Governor-General on the 18th September, 1869.)

An Act to provide against European Vagrancy.

Preamble.—Recites expediency of preventing destitute persons of European extraction wandering throughout India.

PART I.

Preliminary, 1—3.

1. Entitles Act as above.

2. (*a*) The sections named to come into operation at once, and their extent; (*b*) other sections to come into operation on 1st January 1870; and (*c*) the remainder of the Act by notification as specified.

3. Defines the words "Persons of European extraction," "Vagrant," "Master of a Ship," "Magistrate."

PART II.

Procedure, 4—10.

4—10. Empowers any Police Officer to take any person apparently a vagrant in Presidency towns before Magistrate of Police, and elsewhere before the nearest Justice of Peace exercising full powers of a Magistrate; who (5) shall hold a summary inquiry into the person's circumstances, and if necessary record a declaration of his vagrancy, and send him under an order to the work-house; but (6) may send him to any place subject to the Local Government or nearest Local Government where it may appear that he can obtain work; and (7) makes it incumbent on Magistrate of the place, where employment is sought, to obtain work; empowers him in the meantime to keep the vagrant under charge of the police, and on failure to get work, to send him to the work-house; (8) empowers any Magistrate or Justice of the Peace before whom the vagrant is taken to grant him a subsistence allowance to be paid out of such funds as Local Government shall direct; and (9) after enquiry, &c., grant certificate to any one brought before him as a vagrant that sections 4, 5, 6, 7, shall not apply to him; and (10) empowers Local Government to nvest any Justice of the Peace, &c., with similar powers.

PART III.

Government Work-houses, 11—15.

11. Empowers Local Government with sanction of Governor-General in Council to provide work-houses, or certify that any building is fit for a work-house, and allow specified scale of diet.

12. Provides for the management and superintendence of work-houses.

13. Empowers the governor of work-house to search vagrant, and apply any money or property found on him subject to order of Local Government to the purposes of the Act.

14—15. Enables Local Government to prescribe rules for maintenance of discipline in work-houses, prescribes punishment for any infraction of them; and (15) states how vagrant refusing to accept employment shall on conviction be punished.

PART IV.

Removal from India, 16—18.

16. Empowers Local Government to remove vagrant from British India if after lapse of reasonable time no employment is obtainable for him.

17—18. Empowers vagrant to enter into an agreement containing specified stipulations with Secretary of State in Council; and (18) authorizes Local Government to enter into such contracts and perform such acts as may be necessary on the part of Secretary of State to fulfil such agreement.

PART V.

Penalties, 19—29.

19—20. Punishes any person refusing to accompany a Police Officer before a Magistrate, &c., or assaulting Police Officer when required by him to go before Magistrate, or (20) escaping from Police Officer or leaving work-house without permission.

21—23. Punishes vagrant who after entering into an agreement under section 17, fails to go to port of embarkation, or refuses to embark, or escapes from his ship; or (22) returns to India within five years without permission of Secretary of State; or (23) is guilty of begging.

24. At the end of his term of imprisonment vagrant may be dealt with under sections 5 and 6 of this Act.

25. Imposes penalty on shipmasters landing convicts from any other part of Her Majesty's dominions, but the shipmaster may show he had no reason to believe such person was a convict, and Governor-General may exempt in manner specified masters of any class of ships from the operation of this section or revoke such exemption.

26—27. Provides for the recovery and payment of fines; and (27) institution and conduct of prosecutions.

28. Limits the jurisdiction of persons imposing penalties; and (29) declares that the mere fact of a Magistrate, &c., was not the nearest shall not invalidate proceedings taken by him.

PART VI.

Miscellaneous, 30—34.

30. European British subjects being vagrants to be subject to provisions of Code of Criminal Procedure applicable to Europeans not being British subjects.

31. Imposes on importers of Europeans, and on persons or companies employing soldiers who afterwards become vagrants, the liability of paying to Government the costs of such person's removal, and all charges to the State consequent on their vagrancy to be recovered by suit.

32. Empowers Local Government to confer its powers under sections 16 and 18 on such officers as it may appoint by notification in the official Gazette.

33. In places beyond the limits of British India the powers of Magistrates, &c., may be exercised by such persons as Governor-General in Council may appoint by notification in *Gazette of India*.

34. Empowers Governor-General in Council to make rules, to be published in *Gazette of India*, for the guidance of officers.

SCHEDULE FIRST.—Form of Certificate under section 9.

SCHEDULE SECOND.—Form of Articles of Agreement with Secretary of State under section 17.

Preamble.

WHEREAS numerous persons of European extraction are at present wandering in a destitute condition throughout India, and whereas such conduct is prejudicial to public order, and it is expedient to prevent the same; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

I. This Act may be called "The European Vagrancy Act, 1869."

Commencement and extent of Act.

II. Sections three, seventeen, eighteen, twenty one, twenty-two, twenty-three, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, and thirty-

four shall come into operation at once, and shall extend to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty:

Sections twenty-five, twenty-six, and thirty-one shall come into operation on the first day of January 1870, and shall extend to the whole of British India and to the said dominions:

And the rest of this Act shall come into operation in such parts of British India and of the said dominions and on such day or respective days as the Governor-General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Interpretation-clause.

III. In this Act—

"Person of European extraction."

"Person of European extraction" includes Americans and Australasians:

"Vagrant."

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence:

"Master of a ship."

"Master of a ship" includes any person in charge of a decked vessel:

"Magistrate."

And in Parts III and V of this Act "Magistrate" means, within the limits of the towns of Calcutta, Madras, and Bombay, a Magistrate of Police, and, outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Subordinate Magistrate of the first class.

PART II.

PROCEDURE.

Power to require apparent vagrant to go before Police Magistrate, or Justice of the Peace with full powers of a Magistrate.

IV. Any Police officer may, within the limits of the towns of Calcutta, Madras, and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to and to appear before the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police

officer to and to appear before the nearest Justice of the Peace exercising the full powers of a Magistrate under the Code of Criminal Procedure.

Summary inquiry into vagrant's circumstances.

V. The Magistrate of Police or Justice shall make a summary inquiry into the circumstances and character of the alleged vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

Order to go to work-house.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government work-house and shall draw out an order to that effect.

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house, and to the governor of the work-house for receiving and detaining such vagrant.

Forwarding vagrant to place of employment.

VI. Where the officer making the inquiry mentioned in section five is of opinion that the vagrant is likely to obtain employment in any place subject to the Local Government or (when the vagrant is in any part of the said dominions) in any place subject to the nearest Local Government, such officer may in his discretion forward the vagrant to such place in charge of the Police and draw up an order to that effect.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

Assistance to obtain employment.

VII. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the meantime, if he think fit, keep the vagrant in the charge of the Police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to a Government work-house in the manner provided by section five.

Subsistence allowance.

VIII. Every person while in charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under section five, to the work-house, or, under section six, to a place of employment, shall be entitled to an allowance for his subsistence at the rate of eight annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under section seven, may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The Local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct.

Power to give certificates.

IX. Any Magistrate of Police or Justice of the Peace exercising full powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his hand stating that for a certain time (mentioning it) not exceeding six months from the date of the certificate, and within certain limits (mentioning them), nothing in sections four, five, six, and seven shall apply to the holder of such certificate; and thereupon (subject to the provisions contained in sections twenty-three and twenty-four) nothing in sections four, five, six, and seven shall apply to such person for such time and within such limits as aforesaid.

Form of certificate.

Every such certificate shall be in the form set forth in the first schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to invest Justices, District Superintendents of Police, &c., with jurisdiction of full power Justices under Part II.

X. The Local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising full powers as aforesaid.

PART III.

GOVERNMENT WORK-HOUSES.

Provision of Government work-houses.

XI. The Local Government, with the previous sanction of the Governor-General of India in Council, may provide work-houses, with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants, or may by writing under the hand of a Secretary to such Government, certify any building, or part of a building not provided as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, until the Local Government otherwise orders, be deemed a Government work-house under this Act.

Scale of diet.

The Local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

Superintendence of work-houses.

XII. Every such work-house shall be under the immediate charge of a governor, who shall be appointed and may be suspended or removed by the Local Government.

Every such governor shall, if the Local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or, in the absence of a Committee, to the orders of such officer as the Local Government shall from time to time appoint in this behalf.

Search of vagrants.

XIII. Every such governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages, and other effects shall be inspected, and may direct that any money then found with or on the vagrant, shall be applied (subject to the orders of the Local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the produce of the sale be applied as aforesaid, but subject to the like orders.

Discipline.

XIV. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the Local Government with the previous sanction of the Governor-General of India in Council.

Any vagrant who knowingly disobeys or neglects any such rule, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to three months.

Refusal to accept employment.

XV. The governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

When such employment is obtained, any such vagrant refusing or neglecting to avail himself thereof, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to one month.

PART IV.

Removal from India.

Removal of vagrants.

Cost of removal.

XVI. If after the lapse of a reasonable time no suitable employment is obtainable for any such vagrant, the Local Government may either (when he shall have entered into such agreement as hereinafter mentioned) cause him to be

removed from British India in manner hereinafter provided, the cost of such removal being paid by Government ;

or it may cause sections twenty-three and thirty to be read to him and may then release him.

Agreements with vagrants.

XVII. Any vagrant or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself—

(*a*) to proceed to such port in British India as shall be mentioned in the agreement ;

(*b*) there to embark on board such ship and at such time as shall be directed by an officer appointed in this behalf by the Local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council ;

(*c*) to remain on board such ship until she shall have arrived at her port of destination ; and

(*d*) not to return to India until five years shall have elapsed from the date of such embarkation.

Form of agreement.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to perform agreement.

XVIII. The Local Government of the territories in which the said port is situate may enter into such contracts for conveyance or otherwise, and perform such other acts as may be necessary to carry out such agreement on the part of the said Secretary of State in Council.

PART V.

PENALTIES.

Refusal to go before Police Magistrate or Justice.

XIX. Any person refusing or failing to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, for the purpose of preliminary inquiry, when required so to do under section four, shall be punishable, whether

he be or be not a European British subject, on conviction before a Magistrate, with imprisonment for a term which may extend to one month, or with fine, or with both.

Assaulting Police.

And any person who, when required under section four to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, commits an offence punishable under section three hundred and fifty-three of the Indian Penal Code, may, whether he be or be not a European British subject, be tried by a Magistrate for such offence.

Escaping from Police.

XX. Any vagrant escaping from the Police while committed to their charge under the orders specified in sections five and six,

Quitting work-house without leave.

or leaving a work-house under this Act without permission from the governor,

shall for every such offence be punishable, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Failing to proceed to port of embarkation.

XXI. Any person entering into an agreement under section seventeen and failing to proceed in pursuance thereof to the port therein mentioned,

Refusing to go on boardship.

or refusing to embark when directed so to do under the same section,

Escaping from ship.

or escaping from the ship in which he has so embarked before she shall have reached her port of destination,

shall for every such offence be punishable, whether he be or be not a European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to six months.

Returning to India.

XXII. Any person returning to India within five years of the date of his embarkation pursuant to any agreement entered into under section seventeen, unless specially permitted so to do by the Secretary of State for India, shall or every such offence be punishable, whether he be orebe not a European British subject, on convic-

tion before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Begging.

XXIII. Any person of European extraction found asking for alms when he has sufficient means of subsistence,

or asking for alms in a threatening or insolent manner,

or continuing to ask for alms of any person after he has been required to desist,

shall be punishable, whether he be or be not a European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

Procedure on close of imprisonment.

XXIV. Every person imprisoned under section nineteen, twenty, twenty-one, twenty-two, or twenty-three shall at the end of his term of imprisonment, be placed before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, who shall, if he think fit, forthwith deal with him in the manner prescribed by sections five and six.

The order of transmission shall certify the fact of the previous conviction.

Penalty on shipmaster bringing European convicts to India.

XXV. Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony or of an offence which, if committed in England, would be felony, shall on conviction before a Magistrate, be liable, for every person so landed or allowed to land, to pay a fine not exceeding five hundred rupees and not less than one hundred rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

unless the defendant shall satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give), that he had made due enquiry as to the person so landed or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

Power to exempt certain shipmasters.

The Governor-General of India in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the said Governor-General in Council shall seem fit, and whether in respect of all or of any part of the persons on board such ships.

The said Governor-General in Council may in like manner revoke any exemption made under this section.

Recovery of fines.

XXVI. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Payment of fines.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Prosecutions.

XXVII. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government shall from time to time appoint.

Limits of jurisdiction.

XXVIII. In imposing penalties under this Part and Part III of this Act, no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

Validity of proceedings where Police Magistrate or Justice is not the nearest.

XXIX. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person apparently a vagrant was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

PART VI.

MISCELLANEOUS.

Deprivation of privileges of European British subjects under Criminal Procedure Code.

XXX. Any European British subject who, upon the summary enquiry mentioned in section five, has been determined to be a vagrant, or who has been convicted under section twenty-two or section twenty-three, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in chapter XIX of the same Code) applicable to a European not being a British subject.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

An office copy of the declaration recorded under section five shall be *primâ facie* evidence that the European British subject named therein has been, upon such enquiry, determined to be a vagrant.

Liability of importers of Europeans or employers of soldiers becoming vagrants.

XXXI. Whenever any person of European extraction lands in India,

or, being a Non-Commissioned Officer or Soldier in Her Majesty's army, leaves that army in India,

under an engagement to serve any other person, or any Company, Association, or Body of persons in any capacity,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the army, as the case may be, then the person, or Company, Association, or Body, to serve whom he has so landed in India or left the army, shall be liable to pay to the Government the cost of his removal under this Act and all other charges incurred by the State in consequence of his becoming a vagrant.

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council, by the person, Company, Association, or Body chargeable.

Recovery of charges.

XXXII. The powers and duties conferred and imposed by sections sixteen and eighteen on a Local Government may be exercised and performed by such class of officers as the Local Government shall from time to time, by notification in the official Gazette, appoint in this behalf.

Exercise of powers conferred on Local Government.

XXXIII. The powers and duties conferred and imposed by this Act on Magistrates, Justices of the Peace exercising the full powers of a Magistrate, and Police officers, respectively, may in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor-General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Exercise in Native States of powers conferred on Magistrates, Justices, and Police.

XXXIV. The Governor-General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

Power to make rules for guidance of officers.

All such rules shall be published in the *Gazette of India*.

THE FIRST SCHEDULE.

(*See section* 9.)

WHEREAS *E F* of . a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1869, THESE ARE TO CERTIFY that for the space of months from the date hereof and within the Province [*or* District] of nothing in sections four, five, six, and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist: IN ANY OF WHICH CASES he shall be liable to be imprisoned and otherwise dealt with as provided in sections twenty-three and twenty-four of the said Act.

Dated this day of 18 (Signed) *G. H.*,

Magistrate of Police for the Town of or Justice of the Peace for exercising the full powers of a Magistrate.

THE SECOND SCHEDULE.

(*See section* 17.)

ARTICLES OF AGREEMENT made this day of 18 BETWEEN the Secretary of State for India in Council of the one part and *C D* of, &c., [*the vagrant*] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows:—

1. The said *C D* shall proceed forthwith to the port of [*the port of embarkation*].

2. The said *C D* shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.

3. The said *C D* shall remain on board such ship until she shall have arrived at her port of destination.

4. The said *C D* shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said *C D* to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship or his agent for the passage of the said *C D* on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

IN WITNESS whereof *A B* (by order of the Governor-General of India in Council [*or* the Governor of in Council, *or* the Lieutenant-Governor of *or* the Chief Commissioner of], on behalf of the said Secretary of State in Council), and the said *C D* have hereunto set their hands the day and year first above written.

THE GARO HILLS' ACT, 1869.

ACT No. XXII OF 1869.

(*Received the assent of the Governor-General on the* 24*th September*, 1869.)

An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts and for other purposes.

Preamble.—Recites expediency of removing the Gáro Hills from jurisdiction of the Civil, Criminal, and Revenue Courts, under the general Regulations and Acts.

1. Entitles Act as above.

2. When Act is to come into operation.

3. Repeals Act VI of 1835 and Regulation X of 1822 from date when this Act shall come into operation.

4. Removes the territory of Gáro Hills from the operation of the general Regulations and Acts.

5. Vests the administration of civil and criminal justice, settlement, and revenue in such officers as the Lieutenant-Governor may appoint.

6. Empowers Lieutenant-Governor to direct what places shall be civil or criminal jails for the purposes of this Act.

7. Empowers Lieutenant-Governor to prevent the private collection of cess, &c., arrange for its remission, and compensate zemindars, &c., for their relinquishment of the same.

8. Empowers Lieutenant-Governor to extend laws passed by his Council or by the Governor-General in Council to the Gáro Hills by notification in *Calcutta Gazette*; and (9) by similar notification to extend this Act to the Jintiá and Nága Hills, and to the British portion of Khási Hills, the boundaries to be stated in notification.

10. Empowers Lieutenant-Governor, from time to time, to appoint officers for the purpose of finally settling questions of disputed boundary.

Preamble.

WHEREAS it is expedient to remove the territory commonly known as the Gáro Hills from the jurisdiction of the Civil, Criminal, and Revenue Courts and offices established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Gáro Hills Act, 1869."

Commencement of Act.

II. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall, by notification in the *Calcutta Gazette*, direct.

Repeal of enactments.

Proviso.

III. On and after such day, Act No. VI of 1835 (so far as it relates to the Khási Hills therein termed 'Cossyah' Hills), and the Bengal Regulation X of 1822 shall be repealed: Provided that such repeal shall not affect any settlement of land-revenue or other matters made under the latter enactment with zamíndárs or other persons in any place to which this Act applies.

IV. Save as hereinafter provided, the territory known as the Gáro Hills, bounded on the north and west by the District of Gawálpárá, on the south by the District of Mymensingh as defined by the Revenue Survey, and on the east by the Khási Hills, is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature and from the control of the offices of revenue constituted by the Regulations of the Bengal Code and the Acts passed by any legislature now or heretofore established in British India, as well as from the law prescribed for the said Courts and offices by the Regulations and Acts aforesaid;

Gáro Hills removed from operation of general Regulations and Acts.

And no Act hereafter passed by the Council of the Governor-General for making Laws and Regulations shall be deemed to extend to any part of the said territory unless the same be specially named therein.

V. The administration of civil and criminal justice and the superintendence of the settlement and realization of the public revenue and of all matters relating to rent within the said territory, are hereby vested in such officers as the said Lieutenant-Governor may for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint. The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant-Governor and be guided by such instructions as he may from time to time issue.

Administration of justice and settlement and collection of revenue vested in certain officers.

VI. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea, under any order or sentence passed by any officer or Court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place, which the said Lieutenant-Governor may direct.

Place of imprisonment or transportation.

VII. The said Lieutenant-Governor may prevent, by such means as he shall think fit, the collection by zamíndárs or other persons of any cesses, tributes, or exactions, on whatsoever pretence the same

Power to prevent private collection of cesses.

may be levied, from the inhabitants of the said territory, and may make arrangements either for the remission of such cesses, tributes, and exactions, or for their collection direct by the officers of Government, making such compensation to zamíndárs or others justly entitled thereto, for the relinquishment of the same, as may to him seem proper.

Compensation.

VIII. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor-General or of the said Lieutenant-Governor for making Laws and Regulations,

Power to extend laws to Gáro Hills.

and may on making such extension direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

IX. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend, *mutatis mutandis*, all or any of the provisions contained in the other sections of this Act to the Jintíá Hills, the Nága Hills, and to such portion of the Khási Hills as for the time being forms part of British India.

Power to extend Act to Jintíá and Nága Hills, and to British portion of Khási Hills.

Every such notification shall specify the boundaries of the territories to which it applies.

X. Whenever a question arises whether any place falls within the boundary of the territory described in section four or within the boundary of any of the territories to which provisions of this Act may be extended under section nine, such officers as the said Lieutenant-Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

Questions of disputed boundary.

INCOME TAX.

ACT No. XXIII OF 1869.

(Received the assent of the Governor-General on the 26th November, 1869.)

An Act to enhance the duties leviable under the Indian Income Tax Act.

1. States when Act shall come into operation, and how long it shall continue in force.

2. Substitutes in the Income Tax Act, section 6, for the words "one per centum" the words "two and a half per centum." and directs that when additional duty leviable under this Act is not deducted from pay, &c., in December 1869, it shall be deducted in January 1870.

3. Provides that there shall be no deduction of duty exceeding two per cent. on the aggregate amount of salaries for the half-year commencing 1st October 1869.

4. Enhances the duty payable or paid by Companies under section 10 of the Income Tax Act one-half per cent. on the moiety or whole (as the case may be) of the nett profits chargeable under that section.

5. Enhances the duties leviable or levied under Part IV, one-half to be paid on 1st December 1869.

6. Provides for service of a supplementary notice where notice has been already served under section 16 of the Income Tax Act.

7. Bars petitions under section 19 of the Income Tax Act in respect of additional duty.

8. Act to be read as part of Income Tax Act.

Commencement and continuance of Act.

I. This Act shall come into operation on the first day of December 1869, and shall continue in force to the thirty-first day of March 1870.

Enhancement of duty on salaries.

II. Section six of the Indian Income Tax Act shall, in respect of salaries, pensions, and annuities payable on or after the first day of December, 1869, be construed as if, for the words "one per centum," the words "two and a half per centum" were substituted.

Whenever the additional duty leviable under the former part of this section in December, 1869 is not deducted at the time of payment in that month from the pay, annuity, or pension chargeable therewith, such additional duty shall be deducted from the pay, annuity or pension aforesaid at the time of payment in January, 1870.

III. Nothing in the last preceding section shall authorise the deduction of duty exceeding two per centum on the aggregate amount of any salaries, annuities, or pensions chargeable under Part II of the said Act in the six months commencing on the first day of October 1869.

Proviso as to duty on aggregate amount of salaries for the half year commencing 1st October, 1869.

IV. In addition to the sum of one per centum payable or paid under section ten of the said Act, the Treasurer, Secretary, or principal Agent or Manager in India of every Company therein referred to shall, on the first day of December 1869, pay to Government one-half per centum on the moiety or the whole (as the case may be) of the nett profits of such Company chargeable under the same section.

Enhancement of duty paid by Companies.

Every such payment shall be deemed to be a payment required by the said section ten.

V. In addition to the duty leviable or levied on income and profits under Part IV of the said Act, there shall be levied one moiety of the duty imposed by the said Part on such income or profits, and such moiety shall be payable on the first day of December 1869, and shall be deemed to be duty leviable under the said Part IV.

Enhancement of duty on income.

VI. When a notice has been already served under section sixteen of the said Act on a person chargeable with additional duty under the last preceding section, a supplementary notice shall be served upon him; and the provisions as to notices and receipts, contained in the said Act shall, *mutatis mutandis*, apply respectively to such supplementary notices and to receipts granted for payments in pursuance thereof.

Service of supplementary notice.

VII. No person shall be entitled, in respect only of the additional duty with which he is assessed under this Act, to apply by petition under section nineteen of the Indian Income Tax Act.

Bar of petitions in respect of additional duty.

VIII. This Act shall be read with and taken as part of the Indian Income Tax Act.

This Act to be read with Act IX of 1869.

SALT TAX ACT.

ACT No. XXIV OF 1869.

(*Received the assent of the Governor-General on the 10th December*, 1869.)

An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.

Preamble.—Recites expediency of enhancing the price of salt in the Presidency of Fort St. George and the duty leviable on salt in Presidency of Bombay.

1. Repeals Act VI of 1844, sections 44 and 45, Act VII of 1861, Act XIX of 1866, and the ordinance to enhance the duty on salt in Presidencies of Madras and Bombay, dated 4th October 1869.

2. Fixes price of salt in Madras, and the duty on salt leviable in Bombay.

3. Saves the duty now leviable in Sindh.

Preamble.

WHEREAS it is expedient to enhance the price of salt manufactured and sold in the Presidency of Fort St. George and the duty leviable on salt manufactured in or imported into the Presidency of Bombay; It is hereby enacted as follows:—

Repeal of enactments.

I. Act No. VI of 1844 (*for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George*), sections 44 and 45, and Act No. VII of 1861 (*to empower the Governor-General in Council to increase the rate of duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay*), Act No. XIX of 1866 (*to enhance the price of Salt manufactured and sold under the orders of the Governor of the Presidency of Fort St. George in Council*), and the Ordinance to enhance the duty on salt in the Presidencies of Madras and Bombay, dated the fourth day of October 1869, are hereby repealed.

Price of salt in Madras.

II. The price to be paid to the Local Government for salt manufactured and sold under the orders of the Governor of the Presidency of Fort

St. George in Council for consumption within the territories subordinate to that Presidency, shall be two rupees for every maund of three thousand two hundred tolas weight of salt;

Duty on salt in Bombay.

And an excise duty of one rupee and thirteen annas per maund of three thousand two hundred tolas shall be levied on salt manufactured in, and a Customs duty of one rupee and thirteen annas per maund of three thousand two hundred tolas shall be levied on salt imported either by sea or by land into, any part of the Presidency of Bombay.

Saving of duty in Sindh.

III. Nothing hereinbefore contained shall affect any duty now leviable on salt in the Province of Sindh.

SALT—NORTH-WESTERN PROVINCES, PUNJAB, OUDH AND CENTRAL PROVINCES.

ACT No. XXV OF 1869.

(Received the assent of the Governor-General on the 10th December, 1869.)

An Act to provide Rules for the manufacture, storing, and sale of Alimentary Salt in the North-Western Provinces, the Punjab, Oudh, and the Central Provinces, and for other purposes.

Preamble.—Recites expediency of providing rules for manufacture, storing, and sale of alimentary salt in the North-Western Provinces, Punjab, Oudh, and Central Provinces, imposing duty, and making rules for its collection.

1. Empowers Local Government, with sanction of Governor-General in Council, to make rules for manufacture of salt, consistent with Act XIV of 1843, Act XXXVI of 1855, Act XIX of 1862, Act XIV of 1843, Act XXXVI of 1855, and Act VII of 1864.

2. Empowers Governor-General in Council to levy duty not exceeding specified rate.

3. Empowers Local Government with sanction, &c., to make rules for the collection of duty; (4) to be published in local Gazette.

5. Prescribes penalties on violation of rules or abetment of such violation within the limits of the jurisdiction of the Magistrate imposing such penalties.

Preamble.

WHEREAS it is expedient to provide rules for the manufacture, storing, and sale of alimentary salt in the territories for the time being respectively under the governments of the Lieutenant-Governors of the North-Western Provinces of the Presidency of Fort William and of the Panjáb and the administrations of the Chief Commissioners of Oudh and the Central Provinces; And whereas it is also expedient to impose a duty on salt manufactured in the said territories and to provide rules for the collection of such duty; It is hereby enacted as follows:—

Power to make rules for manufacture of salt.

I. The Local Government may, with the previous sanction of the Governor-General of India in Council, from time to time prescribe rules for the manufacture, storing, and sale of alimentary salt in the said territories or any part thereof:

Provided that such rules are consistent with Act No. XIV of 1843 (*for regulating the levy of Customs Duties and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal*), Act No. XXXVI of 1855 (*to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces,*) Act No XIX of 1862 (*to extend to the Province of Oudh certain provisions of Acts XIV of* 1843 *and XXXVI of* 1855 *relating to the manufacture of contraband Salt, and to amend the last-named Act*), and Act No. VII of 1864 (*for regulating the importation and manufacture of Alimentary Salt, in the Territories administered by the Chief Commissioner of the Central Provinces*).

Duty on manufactured salt.

II. The Governor-General of India in Council may order the levy of a duty on salt manufactured in any of the said territories, and may from time to time alter such duty: provided that it shall not exceed three rupees per maund of three thousand two hundred tolas.

Power to make rules for collection of duty.

III. The Local Government may, with the previous sanction of the Governor-General in Council, from time to time prescribe rules for the collection of the said duty in such manner and at such places as shall seem fit.

IV. All rules made under this Act shall be published in the local official Gazette, and shall thereupon have the force of law.

Publication of rules.

V. Whoever knowingly violates any such rule, and whoever abets, within the meaning of the Indian Penal Code, any person in violating any such rule, shall be punishable on conviction before a Magistrate with fine not exceeding five hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

Penalties.

Provided that, in imposing penalties under this section, no Magistrate shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure.

ACT No. XXVI OF 1869.

(*Received the assent of the Governor-General on the* 31*st December*, 1869.)

An Act to correct a clerical error in Act No. VIII of 1863.

Preamble.—Recites the existence of a clerical error in Act VIII of 1863, section 2, and the expediency of correcting the same.

(1) Substitutes for the phrase "be not situate" "the phrase be situate," in section 2 Act VIII of 1863.

WHEERAS Act No. VIII of 1863 (*for the amendment of the law relating to the confinement of Prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of Prisoners convicted of offences in Native States*), section 2, enacts that "Officers in charge of Jails within the British territories in India shall be competent to give effect to any sentence which shall be passed by any Court or Tribunal acting under the authority of her Majesty, or of the Government of India, or of any Local Government, although such Court be *not* situate in a place not subject to the general Regulations;"

Preamble.

And whereas it is expedient to correct the clerical error hereinbefore indicated by italics; It is hereby enacted as follows:—

I. The said section shall be read as if, for the phrase "be not situate," the phrase "be situate" were substituted.

Amendment of Act VIII of 1863, section 2.

THE ACTS

OF THE

LEGISLATIVE COUNCIL OF INDIA

FOR THE YEAR 1870.

CALCUTTA:
BARHAM, HILL AND Co., 2 DALHOUSIE SQUARE.

1871.

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ACT I of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(*Received the assent of the Governor General on the* 14*th January* 1870).

An Act to provide Rules relating to Quarantine.

Preamble.

WHEREAS it is expedient to empower expressly the Governor General of India in Council and the Local Governments to make rules relating to quarantine; It is hereby enacted as follows :—

Power to make quarantine rules.

1. It shall be lawful for the Governor General of India in Council and (with the previous sanction of the said Governor General in Council) for the Local Governments respectively, from time to time, to make rules for putting any vessel into a state of quarantine; for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels; and for regulating the intercourse between ports where an infectious disease prevails and other ports.

Quarantine rules to be deemed rules under section 271 of Penal Code.

2. All such rules shall be published in the *Gazette of India* and also in the local Gazette, and shall thereupon be deemed to be rules made and promulgated under section 271 of the Indian Penal Code.

ACT II of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(*Received the assent of the Governor General on the* 14*th January* 1870).

An Act to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William.

Preamble.

WHEREAS, by Act XVI of 1868 (*to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes,*) the Local Government is empowered to appoint a person to the office of Subordinate Judge or Munsif only on the occurence of a vacancy

in such office, and it is expedient to provide for the appointment of persons to such offices in addition to the appointments made under that Act; It is hereby enacted as follows :—

Power to appoint additional Subordinate Judges and Munsifs.

1. Whenever it appears expedient to the said Local Government to appoint a person to the office of Subordinate Judge or Munsif in addition to the Subordinate Judges and Munsifs appointed under the said Act, in the case of a Subordinate Judge the Local Government may appoint, and, in the case of a Munsif, the High Court of Judicature shall nominate, and the Local Government shall appoint, such person as the Local Government or the High Court (as the case may be) shall think fit :

Qualifications of persons appointed.

Provided that no person shall be so nominated to the office of Munsif unless he possesses the qualifications prescribed by the rules made under section five of the said Act.

Persons appointed to be deemed Subordinate Judges or Munsifs under Act XVI of 1868.

2. Every Subordinate Judge and Munsif so appointed, shall be deemed a Subordinate Judge, or Munsif, as the case may be, under the said Act.

Previous sanction of Governor General in Council.

3. Nothing in this Act shall authorize the Local Government to increase the number of Subordinate Judgeships and Munsifships without the previous sanction of the Governor General of India in Council.

ACT III of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th January 1870).

An Act to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.

Preamble.

WHEREAS it is expedient to remove the territory known as the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and to provide

for the adminstration of justice and the collection of revenue in the said territory; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Agror Valley Act, 1870."

Repeal of Ordinance.

2. The Ordinance of the fourth day of October, 1869, "to remove the Agror Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes" is hereby repealed.

Extent of Act.

3. The said territory shall be deemed to include such portions of the Districts of Hazára, Attok and Ráwalpindí, as the Lieutenant Governor of the Panjáb has appointed for the purposes of the said Ordinance, or shall from time to time appoint for the purposes of this Act.

Agror Valley removed from operation of general Regulations and Acts.

4. Save as hereinafter provided, the territory known as the Agror Valley is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Rules, Regulations and Acts in force in the territories under the control of the said Lieutenant Governor, as well as from the law prescribed for the said Courts and offices by the Rules, Regulations and Acts aforesaid; and no Act hereafter passed by the Council of the Governor General for making Laws and Regulations, shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

Administration of justice and settlement and collection of revenue.

5. The administration of civil and criminal justice within the said territory, and the superintendence of the settlement and realization of the public revenue and of all matters relating to the peace and good government of the same territory, and to rent payable therein, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.

The officers so appointed shall, in the matter of t administration and superintendence aforesaid, be subj to the direction and control of the said Lieutenant G vernor, and be guided by such instructions as he m from time to time issue.

Place of imprisonment or transportation.

6. Any person liable to be imprisoned in any ci or criminal jail, or to be transport beyond sea under any order or se tence passed by any officer or co empowered as provided in this Act, may be imprison in any civil or criminal jail, or transported to any pla which the said Lieutenant Governor may direct.

Power to extend laws.

7. The said Lieutenant Governor may from time time, by notifications in the offic Gazette, extend to the said territo any law, or any portion of any law, now in force the other territories subject to his government, or whi may hereafter be enacted by the Council of the Govern General for the purpose of making laws and Regulations and may, on making such extension, direct by who any power or duties incident to the provisions so exten ed shall be exercised or performed, and make any ord which he shall deem requisite for carrying such prov sions into operation.

Questions of disputed boundary.

8. Whenever a question arises whether any plac falls within the boundary of the sai territory, such officer as the sai Lieutenant Governor shall from time to time appoin may consider and determine on which side of the boun dary such place lies, and the order made thereon by suc officer shall be final.

ACT IV of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th February 1870).

An Act for investing the Assistant Commissioner in charge of the Kullu

Sub-division of the Kangra District with certain appellate powers.

Preamble.

WHEREAS it is expedient to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers in civil cases; It is hereby enacted as follows:—

Assistant Commissioner of Kullu may hear appeals.

1. Notwithstanding anything contained in Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies)* the Assistant Commissioner or other officer for the time being in charge of the parganas of Kullu, Seoráj, Lahoul and Spití, commonly called the Kullu Sub-division of the Kángra District, may hear appeals in civil cases from the decisions and orders of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul and the Nono of Spití.

Appeal from Assistant Commissioner's orders.

2. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII of 1868 *(to amend the law relating to Appeals and Reviews of Judgment in the Panjáb)* with reference to the Deputy Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

Commencement and continuance of Act.

3. This Act shall come into operation on the first day of March 1870, in regard to all cases pending or liable to appeal in the Courts of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul, and the Nono of Spití on that date, and shall remain in force until the thirtieth day of April 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

ACT V of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th February 1870).

An Act to enable the High Courts at the Presidency Towns to deal with costs of petitions for certain monies transferred to Government.

Preamble.

WHEREAS the High Courts of Judicature at Fort William, Madras and Bombay have no power to deal with the costs of petitions under section four of Act No. XXV of 1866 *(to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras and Bombay and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal)* or under section sixty of the Administrator General's Act, 1867, for payment of certain securities, monies or proceeds transferred to Government; And whereas it is expedient to confer such power upon the said High Courts; It is hereby enacted as follows :—

Power to direct by whom costs are to be paid.

1. Whenever any of the said Courts shall make an order on any such petition, the Court may direct by whom the whole or any part of the costs of each party are to be paid.

ACT VI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th February 1870.)

An Act to enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act.

Preamble.

WHEREAS, under section nine of Act No. VI of 1869 *(to amend the law relating to the Emigration of Native Labourers)*, the Governor General of India in Council is empowered to increase any fee payable under sectionsnineteen, twenty-seven and thirty-four of Act No. XIII of 1864 *(to consolidate and amend the law relating to the Emigration of Native Labourers)*; and whereas it is expedient that he should also be empowered to increase the fee payable under section thirty-one of the same Act; It is hereby enacted as follows :—

1. The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, increase any fee payable under section thirty-one of the said Act No. XIII of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

Power to increase fees payable under Act XIII of 1864, section 31.

ACT VII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(*Received the assent of the Governor General on the* 11*th March* 1870).

THE COURT FEES' ACT, 1870.

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THE COURT FEES' ACT, 1870.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Court Fees' Act, 1870:"

Extent of Act.

It extends to the whole of British India;

Commencement of Act.

And it shall come into force on the first day of April 1870.

Repeal of enactments.

2. On and after that day, the enactments mentioned in the first part of the third schedule hereto annexed shall be wholly repealed, and the enactments mentioned in the second part of the same schedule shall be repealed to the extent specified therein.

CHAPTER II.

FEES IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY TOWNS.

Levy of fees in High Courts on their original sides.

3. The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the High Courts established by Letters Patent, by virtue of the power conferred by Statute twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, section fifteen, or chargeable in each of such Courts under No. eleven of the first, and Nos. seven, twelve, fourteen, sixteen, twenty and twenty-one of the second, schedule to this Act annexed;

Levy of fees in Presidency Small Cause Courts.

and the fees for the time being chargeable in the Courts of Small Causes at the Presidency Towns and their several offices; shall be collected in manner hereinafter appearing.

4. No document of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the said High Courts in any case coming before such Court in the exercise of its extraordinary original civil jurisdiction; or in the exercise of its extraordinary original criminal jurisdiction; or in the exercise of its jurisdiction as regards appeals from the judgment of two or more judges of the said Court, or of a Division Court; or in the exercise of its jurisdiction as regards appeals from the Courts subject to its superintendence; or in the exercise of its jurisdiction as a Court of reference or revision; unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

Fees on documents filed, &c., in High Courts in their extraordinary jurisdiction.

In their appellate jurisdiction.

As Courts of reference and revision.

5. When any difference arises between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in any of the said High Courts, be referred to the taxing-officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of such High Court, or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

Procedure in case of difference as to necessity or amount of fee.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

The Chief Justice shall declare who shall be taxing-officer within the meaning of the first paragraph of this section.

CHAPTER III.

FEES IN OTHER COURTS AND IN PUBLIC OFFICES.

Fees on documents filed &c., in Mofussil Courts or in public offices.

6. Except in the Courts hereinbefore mentioned, no document of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

Computation of fees payable in certain suits.

7. The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows :—

for money:

i. In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed :

for maintenance and annuities:

ii. In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year :

for other moveable property having a market-value:

iii. In suits for moveable property other than money, where the subject matter has a market-value—according to such value at the date of presenting the plaint :

iv. In suits—

for moveable property of no market-value:

(a) for moveable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,

to enforce a right to share in joint family property:

(b) to enforce the right to share in any property on the ground that it is joint family property,

for a declaratory decree and consequential relief

(c) to obtain a declaratory decree or order, where consequential relief is prayed,

or an injunction: (*d*) to obtain an injunction,

for easements: (*e*) for a right to some benefit (not herein otherwise provided for) to arise out of land, and

for accounts: (*f*) for accounts—

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.

In all such suits the plaintiff shall state the amount at which he values the relief sought, and the provisions of the Code of Civil Procedure, section thirty-one, shall apply as if, for the word 'claim,' the words 'relief sought', were substituted.

v. In suits for the possession of land, houses and gardens—according to the value of the subject-matter; and such value shall be deemed to be where the subject-matter is land, and—

for possession of land, houses and gardens:

(*a*) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue, and such revenue is permanently settled—ten times the revenue so payable:

(*b*) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid; and such revenue is settled, but not permanently—five times the revenue so payable:

(*c*) Where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue, and nett profits have arisen from the land during the year next before the date of presenting the plaint—fifteen times such nett profits: but where no such nett profits have arisen therefrom—the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood:

(*d.*) Where the land forms part of an estate paying revenue to Government, but is not a definite share of

such estate and is not separately assessed as abovementioned—the market-value of the land :

Proviso as to Bombay Presidency.

Provided that, in the territories subject to the Governor of Bombay in Council, the value of the land shall be deemed to be—

(1.) Where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government—a sum equal to five times the survey-assessment ;

(2.) Where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to Government—a sum equal to ten times the survey-assessment ; and

(3.) Where the whole or any part of the annual survey-assessment is remitted—a sum computed under paragraph (1) or paragraph (2) of this proviso, as the case may be, in addition to ten times the assessment, or the portion of assessment, so remitted :

Explanation.—The word 'estate,' as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or a farmer or ryot shall have executed a separate engagement to Government, or which, in the absence of such engagement, shall have been separately assessed with revenue.

For houses and gardens

(e.) Where the subject-matter is a house or garden—according to the market-value of the house or garden :

To enforce a right of pre-emption :

vi. In suits to enforce a right of pre-emption—according to the value (computed in accordance with paragraph v of this section) of the land, house or garden in respect of which the right is claimed :

For interest of assignee of land-revenue :

vii. In suits for the interest of an assignee of land-revenue—fifteen times his nett profits as such for the year next before the date of presenting the plaint :

To set aside an attachment :

viii. In suits to set aside an attachment of land or of an interest in land or revenue—according to the amount for which the land or interest was attached :

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest :

Proviso.

To redeem or foreclose:

ix. In suits against a mortgagee for the recovery of the property mortgaged, and in suits by a mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute—according to the principal money expressed to be secured by the instrument of mortgage :

For specific performance:

x. In suits for specific performance—

(*a*) of a contract of sale—according to the amount of the consideration :

(*b*) of a contract of mortgage—according to the amount agreed to be secured :

(*c*) of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term :

(*d*) of an award—according to the amount or value of the property in dispute :

Between landlord and tenant.

xi. In the following suits between landlord and tenant :—

(*a*) for the delivery by a tenant of the counterpart of a lease,

(*b*) to enhance the rent of a tenant having a right of occupancy,

(*c*) for the delivery by a landlord of a lease,

(*d*) to contest a notice of ejectment,

(*e*) to recover the occupancy of land from which a tenant has been illegally ejected by the landlord, and

(*f*) for abatement of rent—

according to the amount of the rent of the land to which the suit refers, payable for the year next before the date of presenting the plaint.

Fee on memorandum of appeal against order relating to compensation.

8. The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of land for public purposes, shall be computed according to the difference

between the amount awarded and the amount claimed by the appellant.

Power to ascertain nett profits or market-value.

9. If the Court sees reason to think that the annual nett profits or the market-value of any such land, house or garden as is mentioned in section seven, paragraphs five and six, have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court.

Procedure where nett profits or market-value wrongly estimated

10. i. If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or nett profits been rightly estimated:

ii. In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed:

iii. Section one hundred and eighty of the Code of Civil Procedure shall be construed as if the words 'the market-value of any property or' were inserted after the word 'ascertaining,' and as if the words 'or annual nett profits' were inserted after the word 'damages'.

Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed.

11. In suits for mesne profits or for immoveable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

Decision of questions as to valuation.

12. i. Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum as the case may be, is filed, and such decision shall be final as between the parties to the suit :

ii. But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section ten, paragraph ii, shall apply.

Refund of fee paid on memorandum of appeal.

13. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in section three hundred any fifty-one of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal :

Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

Refund of fee on application for review of judgment.

14. Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund where Court reverses or modifies its former decision on ground of mistake.

15. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector so much of the fee paid on the plaint or memorandum of appeal as exceeds the fee payable on any other application to such Court under the second schedule to this Act, No. one, clause *(b)* or clause *(d)*.

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

Additional fee where respondent takes objection to unappealed part of decree.

16. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and, on the hearing of such appeal, the respondent takes, under section three hundred and forty-eight of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

Multifarious suits.

17. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with

the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, section nine.

Written examinations of complainants.

18. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of eight annas, unless the Court thinks fit to remit such payment.

Exemption of certain documents.

19. Nothing contained in this Act shall render the following documents chargeable with any fee :—

i. Power-of-attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of Her Majesty's army not in civil employment.

ii. Declarations mentioned in section one hundred and eighteen and section one hundred and sixty-four of the Code of Civil Procedure.

iii. Written statements called for by the Court after the first hearing of a suit.

iv. Plaint presented to a Military Court of Requests and petition for execution of a decree of such Court.

v. Plaints in suit tried by Village Munsifs in the Presidency of Fort St. George.

vi. Plaints and processes in suits before District Panchâyats in the same Presidency.

vii. Plaints in suits before Collectors under Madras Regulation XII of 1816.

viii. Probate of a will, letters of administration, and certificate mentioned in the first schedule to this Act annexed, No. twelve, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees.

ix. Application or petition to a Collector or other officer making a settlement of land-revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

x. Application relating to a supply for irrigation of water belonging to Government.

xi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled but not permanently.

xii. Application for service of notice of relinquishment of land or of enhancement of rent.

xiii. Written authority to an agent to distrain.

xiv. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

xv. Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

xvi. Petition, application, charge, or information respecting any offence, when presented, made

or laid to or before a Police officer, or to or before the Heads of Villages or the Village Police in the territories respectively subject to the Governors in Council of Madras and Bombay.

xvii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

xviii. Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.

xix. Application for permission to cut timber in Government forests, or otherwise relating to such forests.

xx. Application for the payment of money due by Government to the applicant.

xxi. Petition of appeal against the chaukídárí assessment under Act No. XX of 1856, or against any municipal tax.

xxii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

xxiii. Petitions presented to the Special Commissioner appointed under Bengal Act No. II of 1869 *(to ascertain, regulate and record certain tenures in Chota Nagpure)*.

xxiv. Petitions under the fourteenth and fifteenth of Victoria, chapter forty *(An Act for Marriages in India)*, section five, or under Act No. V of 1852, section nine.

CHAPTER IV.

PROCESS FEES.

Rules as to costs of processes.

20. The High Court shall, as soon as may be, make rules as to the following matters:—

i. the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdic-

tion, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction:

ii. the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which police officers may arrest without a warrant; and

iii. the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The High Court may from time to time alter and add to the rules so made.

Confirmation and publication of rules.

All such rules, alterations and additions shall, after being confirmed by the Local Government, and sanctioned by the Governor General of India in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act.

Tables of process fees.

21. A Table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Number of peons in District and subordinate Courts.

22. Subject to rules to be made by the High Court and approved by the Local Government and the Governor General of India in Council, every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto, and for the purposes of this section, every Court of Small Causes established under Act No. XI. of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original*

Number of peons in Mofussil Small Cause Courts.

civil jurisdiction of the High Courts of Judicature) shall be deemed to be subordinate to the Court of the District Judge.

Number of peons in Revenue Courts.

23. Subject to rules to be framed by the Chief Controlling Revenue Authority and approved by the Local Government and the Governor General of India in Council, every officer performing the functions of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts subordinate to him.

Process served under this chapter to be held process served under Civil Procedure Code.

24. Every process served or executed under this chapter shall be held to be a process within the meaning of section one hundred and eighty-eight of the Code of Civil Procedure, and of section two of Act No. XXIII of 1861 *(to amend Act VIII of* 1859*)*.

CHAPTER V.

OF THE MODE OF LEVYING FEES.

Collection of fees by stamps.

25. All fees referred to in section three or chargeable under this Act shall be collected by stamps.

Stamps to be impressed or adhesive.

26. The stamps used to denote any fee chargeable under this Act shall be impressed, or adhesive, or partly impressed and partly adhesive, as the Governor General of India in Council may, by notification in the *Gazette of India*, from time to time direct.

Rules for supply, number, renewal and keeping accounts of stamps.

27. The Local Government may, from time to time, make rules for regulating—

(a) the supply of stamps to be used under this Act,

(b) the number of stamps to be used for denoting any fee chargeable under this Act,

(c) the renewal of damaged or spoiled stamps, and

(d) the keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section three in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

Stamping documents inadvertently received.

28. No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.

But if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if had been properly stamped in the first instance.

Amended document.

29. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

30. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER VI.

MISCELLANEOUS.

Repayment of fees paid on applications to Criminal Courts.

31. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application on petition.

ii. In the case mentioned in section eighteen, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination.

iii. When the complainant has paid fees for serving processes in either of the cases mentioned in the first and second paragraphs of this section, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay such fees to the complainant.

iv. All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

Amendments of Act VIII of 1859, sections 308, 309, 371, 373.

32. The Code of Civil Procedure, sections three hundred and eight and three hundred and nine, shall be read as if, for the words 'stamp-duty' and 'stamps,' the words and figures 'fees chargeable under the Court Fees' Act, 1870,' were substituted; section three hundred and seventy-one of the same Code shall be read as if, for the words 'a stamp of the value,' the words 'the payment of the fee,' were substituted; and section three hundred and seventy-three of the same Code shall be read as if, for the words 'on a stamp paper of the value,' the words 'and shall be chargeable with the fee,' were substituted; and as if, for the words 'for the stamps,' the words 'the fees,' were substituted.

[And the Indian Income Tax Act, section twenty, shall be read as if, for the words 'the value of the said stamp,' the words 'the fee on the petition,' were substituted.*]

Admission in criminal cases of documents for which proper fee has not been paid.

33. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section four or section six shall be deemed to prohibit such filing or exhibition.

Rules for sale of stamps.

34. In the General Stamp Act, 1869, section forty-eight shall be read as if, for the words and figures 'Act No. XXVI of 1867 *(to amend the law relating to Stamp Duties)*,' the words and figures 'the Court Fees' Act, 1870,' were substituted.

Power to reduce or remit fees.

35. The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, reduce or remit, in the whole or in any part of British India, all or any of the fees mentioned in the first and second schedules to this Act annexed, and may in like manner cancel or vary such order.

Saving of fees to certain officers of High Courts.

36. Nothing in chapters II and V of this Act applies to the commission payable to the Accountant General of the High Court at Fort William, or to the fees which any officer of a High Court is allowed to receive in addition to a fixed salary.

* Repealed by Schedule III, Act XVI of 1870.—The Indian Income Tax Act.

SCHEDULE I.

Ad valorem Fees.

NUMBER.		PROPER FEE.
1. Plaint or memorandum of appeal (not otherwise provided for in this Act), presented to any Civil or Revenue Court, except those mentioned in section three*	When the amount or value of the subject-matter in dispute does not exceed five rupees...	Six annas.
	When such amount or value exceeds five rupees, For every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees ...	Six annas.
	When such amount or value exceeds one hundred rupees, For every ten rupees, or part thereof, in excess of one hundred rupees up to one thousand rupees ...	Twelve annas.
	When such amount or value exceeds one thousand rupees, For every one hundred rupees or part thereof, in excess of one thousand rupees up to five thousand rupees ...	Five rupees.
	When such amount or value exceeds five thousand rupees, For every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees	Ten rupees.
	When such amount or value exceeds ten thousand rupees, For every five hundred rupees or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees	Fifteen rupees.
	When such amount or value exceeds twenty thousand rupees, For every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Twenty rupees.

* To ascertain the proper fee leviable on the institution of a suit, see the Table annexed to this schedule.

SCHEDULE I—*continued.*

Ad valorem fees.

NUMBER.		PROPER FEE.
1. Plaint &c.—*(continued).*	When such amount or value exceeds thirty thousand rupees, For every two thousand rupees or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Twenty rupees.
	When such amount or value exceeds fifty thousand rupees, For every five thousand rupees or part thereof, in excess of fifty thousand rupees	Twenty-five rupees.
	Provided that the maximum fee leviable on plaint or memorandum of appeal shall be three thousand rupees.	
2. Plaint or memorandum of appeal in a suit for possession under Act No. XIV of 1859 (*to provide for the limitation of suits*), section fifteen. 3. Petition under the Indian Registration Act, section fifty-three.		A fee of one-half the amount prescribed in the foregoing scale.
4. Application for review of judgment, if presented on or after the ninetieth day day from the date of the decree.		The fee leviable on the plaint or memorandum of appeal.
5. Application for review of judgment if presented before the ninetieth day from the date of the decree.		One-half of the fee leviable on the plaint or memorandum of appeal.

SCHEDULE I—*continued.*

Ad valorem fees.

NUMBER.		PROPER FEE.
6. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority—	
	(*a*).—If the amount or value of the subject-matter is fifty or less than fifty rupees	Four annas.
	(*b*).—If such amount or value exceeds fifty rupees ...	Eight annas.
	When such judgment or order is passed by a High Court ...	One rupee.
7. Copy of a decree, or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court—	
	(*a*).—If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees	Eight annas.
	(*b*).—If such amount or value exceeds fifty rupees ...	One rupee.
	When such decree or order is made by a High Court ...	Four rupees.

SCHEDULE I—*continued.*

Ad valorem fees.

NUMBER.		PROPER FEE.
8. Copy of any document liable to stamp-duty under the General Stamp Act, 1869, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*).—When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(*b*).—In any other case ...	Eight annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement report or the like, taken out of any Civil or Criminal or Revenue Court or office, or from the office of any chief officer charged with the executive administration of a Division.	For every three hundred and sixty words or fraction of three hundred and sixty words	Eight annas.
10. Certificate of administration granted under Act No. XL of 1858 (for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal), or under Act No. XX of 1864 (for making better provision for the care of the persons and property of minors in the Presidency of Bombay).	If the amount or value of the property in respect to which such certificate is granted does not exceed five hundred rupees	Five rupees.
	If such amount or value exceeds five hundred rupees but not one thousand rupees	Ten rupees.
	And for every one thousand rupees, or part thereof, in excess of one thousand rupees	Five rupees.

SCHEDULE I—*concluded.*

Ad valorem fees.

NUMBER.		PROPER FEE.
11. Probate of a will or letters of administration with or without will annexed.		
12. Certificate granted under Act No. XXVII of 186) (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), or under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of Heirs, Executors and Administrators, and for the appointment of Administrators and Managers of Property by the Courts*).	If the amount or value of the property in respect of which the probate or letters or certificate shall be granted exceeds one thousand rupees ...	Two per centum on such amount or value.
	NOTE.—The person to whom any such certificate is granted, or his representative, shall, after the expiration of twelve months from the date of such certificate and thereafter whenever the Court granting such certificate requires him so to do, file a statement on oath of all monies recovered or realised by him under such certificate.	
	If the monies so recovered or realised exceed the amount of debts or other property as sworn to by the person to whom the certificate is granted, the Court may cancel the same and order such person to take out a fresh Certificate and pay the fee prescribed by this schedule, for such excess.	
	In default of filing such statement within the time allowed, the Court may cancel the certificate.	

Table of rates of ad valorem fees, leviable on the institution of suits.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. As. P.
.....	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0
85	90	6 12 0
90	95	7 2 0
95	100	7 8 0
100	110	8 4 0
110	120	9 0 0
120	130	9 12 0
130	140	10 8 0
140	150	11 4 0
150	160	12 0 0

Table of rates of ad valorem fees, &c.—continued.

When the amount of value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
160	170	12 12 0
170	180	13 8 0
180	190	14 4 0
190	200	15 0 0
200	210	15 12 0
210	220	16 8 0
220	230	17 4 0
230	240	18 0 0
240	250	18 12 0
250	260	19 8 0
260	270	20 4 0
270	280	21 0 0
280	290	21 12 0
290	300	22 8 0
300	310	23 4 0
310	320	24 0 0
320	330	24 12 0
330	340	25 8 0
340	350	26 4 0
350	360	27 0 0
360	370	27 12 0
370	380	28 8 0
380	390	29 4 0
390	400	30 0 0
400	410	30 12 0
410	420	31 8 0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
420	430	32 4 0
430	440	33 0 0
440	450	33 12 0
450	460	34 8 0
460	470	35 4 0
470	480	36 0 0
480	490	36 12 0
490	500	37 8 0
500	510	38 4 0
510	520	39 0 0
520	530	39 12 0
530	540	40 8 0
540	550	41 4 0
550	560	42 0 0
560	570	42 12 0
570	580	43 8 0
580	590	44 4 0
590	600	45 0 0
600	610	45 12 0
610	620	46 8 0
620	630	47 4 0
630	640	48 0 0
640	650	48 12 0
650	660	49 8 0
660	670	50 4 0
670	680	51 0 0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
680	690	51 12 0
690	700	52 8 0
700	710	53 4 0
710	720	54 0 0
720	730	54 12 0
730	740	55 8 0
740	750	56 4 0
750	760	57 0 0
760	770	57 12 0
770	780	58 8 0
780	790	59 4 0
790	800	60 0 0
800	810	60 12 0
810	820	61 8 0
820	830	62 4 0
830	840	63 0 0
840	850	63 12 0
850	860	64 8 0
860	870	65 4 0
870	880	66 0 0
880	890	66 12 0
890	900	67 8 0
900	910	68 4 0
910	920	69 0 0
920	930	69 12 0
930	940	70 8 0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
940	950	71 4 0
950	960	72 0 0
960	970	72 12 0
970	980	73 8 0
980	990	74 4 0
990	1,000	75 0 0
1,000	1,100	80 0 0
1,100	1,200	85 0 0
1,200	1,300	90 0 0
1,300	1,400	95 0 0
1,400	1,500	100 0 0
1,500	1,600	105 0 0
1,600	1,700	110 0 0
1,700	1,800	115 0 0
1,800	1,900	120 0 0
1,900	2,000	125 0 0
2,000	2,100	130 0 0
2,100	2,200	135 0 0
2,200	2,300	140 0 0
2,300	2,400	145 0 0
2,400	2,500	150 0 0
2,500	2,600	155 0 0
2,600	2,700	160 0 0
2,700	2,800	165 0 0
2,800	2,900	170 0 0
2,900	3,000	175 0 0

Table of rates of ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
3,000	3,100	180 0 0
3,100	3,200	185 0 0
3,200	3,300	190 0 0
3,300	3,400	195 0 0
3,400	3,500	200 0 0
3,500	3,600	205 0 0
3,600	3,700	210 0 0
3,700	3,800	215 0 0
3,800	3,900	220 0 0
3,900	4,000	225 0 0
4,000	4,100	230 0 0
4,100	4,200	235 0 0
4,200	4,300	240 0 0
4,300	4,400	245 0 0
4,400	4,500	250 0 0
4,500	4,600	255 0 0
4,600	4,700	260 0 0
4,700	4,800	265 0 0
4,800	4,900	270 0 0
4,900	5,000	275 0 0
5,000	5,250	285 0 0
5,250	5,500	295 0 0
5,500	5,750	305 0 0
5,750	6,000	315 0 0
6,000	6,250	325 0 0
6,250	6,500	335 0 0

Table of rates ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
6,500	6,750	345 0 0
6,750	7,000	355 0 0
7,000	7,250	365 0 0
7,250	7,500	375 0 0
7,500	7,750	385 0 0
7,750	8,000	395 0 0
8,000	8,250	405 0 0
8,250	8,500	415 0 0
8,500	8,750	425 0 0
8,750	9,000	435 0 0
9,000	9,250	445 0 0
9,250	9,500	455 0 0
9,500	9,750	465 0 0
9,750	10,000	475 0 0
10,000	10,500	490 0 0
10,500	11,000	505 0 0
11,000	11,500	520 0 0
11,500	12,000	535 0 0
12,000	12,500	550 0 0
12,500	13,000	565 0 0
13,000	13,500	580 0 0
13,500	14,000	595 0 0
14,000	14,500	610 0 0
14,500	15,000	625 0 0
15,000	15,500	640 0 0
15,500	16,000	655 0 0
16,000	16,500	670 0 0

Table of rates ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
16,500	17,000	685 0 0
17,000	17,500	700 0 0
17,500	18,000	715 0 0
18,000	18,500	730 0 0
18,500	19,000	745 0 0
19,000	19,500	760 0 0
19,500	20,000	775 0 0
20,000	21,000	795 0 0
21,000	22,000	815 0 0
22,000	23,000	835 0 0
23,000	24,000	855 0 0
24,000	25,000	875 0 0
25,000	26,000	895 0 0
26,000	27,000	915 0 0
27,000	28,000	935 0 0
28,000	29,000	955 0 0
29,000	30,000	975 0 0
30,000	32,000	995 0 0
32,000	34,000	1,015 0 0
34,000	36,000	1,035 0 0
36,000	38,000	1,055 0 0
38,000	40,000	1,075 0 0
40,000	42,000	1,095 0 0
42,000	44,000	1,115 0 0
44,000	46,000	1,135 0 0
46,000	48,000	1,155 0 0
48,000	50,000	1,175 0 0

Table of rates ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
50,000	55,000	1,200	0	0
55,000	60,000	1,225	0	0
60,000	65,000	1,250	0	0
65,000	70,000	1,275	0	0
70,000	75,000	1,300	0	0
75,000	80,000	1,325	0	0
80,000	85,000	1,350	0	0
85,000	90,000	1,375	0	0
90,000	95,000	1,400	0	0
95,000	1,00,000	1,425	0	0
1,00,000	1,05,000	1,450	0	0
1,05,000	1,10,000	1,475	0	0
1,10,000	1,15,000	1,500	0	0
1,15,000	1,20,000	1,525	0	0
1,20,000	1,25,000	1,550	0	0
1,25,000	1,30,000	1,575	0	0
1,30,000	1,35,000	1,600	0	0
1,35,000	1,40,000	1,625	0	0
1,40,000	1,45,000	1,650	0	0
1,45,000	1,50,000	1,675	0	0
1,50,000	1,55,000	1,700	0	0
1,55,000	1,60,000	1,725	0	0
1,60,000	1,65,000	1,750	0	0
1,65,000	1,70,000	1,775	0	0
1,70,000	1,75,000	1,800	0	0
1,75,000	1,80,000	1,825	0	0
1,80,000	1,85,000	1,850	0	0

Table of rates ad valorem fees, &c.—continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.
Rs.	Rs.	Rs. A. P.
1,85,000	1,90,000	1,875 0 0
1,90,000	1,95,000	1,900 0 0
1,95,000	2,00,000	1,925 0 0
2,00,000	2,05,000	1,950 0 0
2,05,000	2,10,000	1,975 0 0
2,10,000	2,15,000	2,000 0 0
2,15,000	2,20,000	2,025 0 0
2,20,000	2,25,000	2,050 0 0
2,25,000	2,30,000	2,075 0 0
2,30,000	2,35,000	2,100 0 0
2,35,000	2,40,000	2,125 0 0
2,40,000	2,45,000	2,150 0 0
2,45,000	2,50,000	2,175 0 0
2,50,000	2,55,000	2,200 0 0
2,55,000	2,60,000	2,225 0 0
2,60,000	2,65,000	2,250 0 0
2,65,000	2,70,000	2,275 0 0
2,70,000	2,75,000	2,300 0 0
2,75,000	2,80,000	2,325 0 0
2,80,000	2,85,000	2,350 0 0
2,85,000	2,90,000	2,375 0 0
2,90,000	2,95,000	2,400 0 0
2,95,000	3,00,000	2,425 0 0
3,00,000	3,05,000	2,450 0 0
3,05,000	3,10,000	2,475 0 0
3,10,000	3,15,000	2,500 0 0
3,15,000	3,20,000	2,525 0 0

Table of rates of ad valorem fees, &c.—concluded.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper Fee.		
Rs.	Rs.	Rs.	A.	P.
3,20,000	3,25,000	2,550	0	0
3,25,000	3,30,000	2,575	0	0
3,30,000	3,35,000	2,600	0	0
3,35,000	3,40,000	2,625	0	0
3,40,000	3,45,000	2,650	0	0
3,45,000	3,50,000	2,675	0	0
3,50,000	3,55,000	2,700	0	0
3,55,000	3,60,000	2,725	0	0
3,60,000	3,65,000	2,750	0	0
3,65,000	3,70,000	2,775	0	0
3,70,000	3,75,000	2,800	0	0
3,75,000	3,80,000	2,825	0	0
3,80,000	3,85,000	2,850	0	0
3,85,000	3,90,000	2,875	0	0
3,90,000	3,95,000	2,900	0	0
3,95,000	4,00,000	2,925	0	0
4,00,000	4,05,000	2,950	0	0
4,05,000	4,10,000	2,975	0	0
4,10,000		3,000	0	0

SCHEDULE II.

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition...	(*a*).—When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;	One anna.
	or when presented to any officer of Land Revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement;	
	or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;	
	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Cantonment Magistrate sitting as a Court of Civil Judicature under Act No. III of 1850, or to any Court of Small Causes constituted under Act No. XI of 1865, or under Act No. XVI of 1868, sec-	

SCHEDULE II—*continued.*

Fixed Fees.

NUMBER.		PROPER FEE.
Application or petition—(*continued*) ..	tion twenty, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	One anna.
	or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	
	(*b*).—When containing a complaint or charge of any offence other than an offence for which Police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court;	Eight annas.
	or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;	
	or to deposit in Court revenue or rent;	

SCHEDULE II—*continued.*

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition—(*continued*) ...	or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	Eight annas.
	(*c*).—When presented to a Chief Commissioner or other chief controlling revenue or executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division and not otherwise provided for by this Act	One rupee.
	(*d*).—When presented to a High Court ...	Two rupees.
2. Application for leave to sue as a pauper ...		Eight annas.
3. Application for leave to appeal as a pauper ..	(*a*).—When presented to a District Court ...	One rupee.
	(*b*).—When presented to a Commissioner or a High Court ...	Two rupees.
4. Plaint or memorandum of appeal in a suit to obtain possession under Act No. XVI of 1838, or Bombay Act No. V of 1864 (to give Mamlutdars' Courts jurisdiction in certain cases to maintain existing possession, or to restore possession to any party dispossessed otherwise than by course of law) ...		Eight annas.
5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy		

SCHEDULE II—*continued.*

Fixed Fees.

NUMBER.		PROPER FEE.
6. Bail-bond or other instrument of obligation not otherwise provided for by this Act, when given by the direction of any court or executive authority ...		
7. Undertaking under section forty-nine of the Indian Divorce Act ...		Eight annas.
8. Petition of objection to assessment under the Indian Income Tax Act ...		
9. Petition of appeal under the Indian Income Tax Act, section twenty-one		One rupee.
10. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case—	
	(*a*).—to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (*b*) and (*c*) of this Number	Eight annas.
	(*b*).—to a Commissioner of Revenue, Circuit or Customs, or to any officer charged with the executive administration of a Division, not being the chief revenue or executive authority... ...	One rupee.
	(*c*).—to a High Court, Chief Commissioner, Board of Revenue, or other chief controlling revenue or executive authority... ...	Two rupees.

SCHEDULE II—*continued.*

Fixed Fees.

NUMBER.		PROPER FEE.
11. Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—		
	(*a*).—to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or chief controlling revenue or executive authority ...	Eight annas.
	(*b*).—to a High Court or Chief Commissioner, or other chief controlling executive or revenue authority	Two rupees.
12. Caveat ...		
13. Application under Act No. X of 1859, section twenty-six, or Bengal Act No. VI of 1862, section nine, or Bengal Act No. VIII of 1869, section thirty-seven		
14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866 ...		Five rupees.
15. Plaint or memorandum of appeal in a suit to obtain possession of a wife.		
16. Administration-bond		Eight rupees.
17. Plaint or memorandum of appeal in each of the following suits:—		
i. To alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court:		Ten rupees.

SCHEDULE II—*concluded.*

Fixed Fees.

NUMBER.		PROPER FEE.
ii. To alter or cancel any entry in a register of the names of proprietors of revenue-paying estates:		
iii. To obtain a declaratory decree where no consequential relief is prayed:		
iv. To set aside an award:		
v. To set aside an adoption:		
vi. Every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act. ..		Ten rupees.
18. Application under section three hundred and twenty-six of the Code of Civil Procedure.		
19. Agreement under section three hundred and twenty-eight of the same Code. ...		
20. Every petition under the Indian Divorce Act except petitions under section forty-four of the same Act, and every memorandum of appeal under section fifty-five of the same Act ...		Twenty rupees.
21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865 ..		

SCHEDULE III.

ENACTMENTS REPEALED.

PART I.

Acts wholly repealed.

Number and year.	Title.
Act No. XVII of 1848 ...	An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Munsifs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases.
Act No. X of 1852 ...	An Act to consolidate and amend the law relating to Stamp Duties.
Act No XI of 1863 ...	An Act to consolidate and amend the law relating to the employment and remuneration of Peons for the service and execution of Civil Process.
Act No. XVIII of 1865 ...	An Act to amend Act No. X of 1862 (to consolidate and amend the law relating to Stamp Duties).
Act No. XV of 1868 ...	The High Court Fees' Act, 1868.
Bengal Act No. V of 1863	An Act to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts.

PART II.

Acts and Regulations partly repeald.

Number and year.	Title.	Extent of repeal.
Act No. V. of 1852 ...	An Act for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	In section nine, the words 'in which may in all cases be on unstamped paper' Section twenty-five.

SCHEDULE III—*continued.*

Enactments repealed.

Number of year.	Title.	Extent of repeal.
Act No. XXXIII of 1852.	An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	Section nine.
Act No. VIII of 1859.	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	Section ninety-eight, from and including the words 'On the application,' to the end of the section. In section one hundred and eighteen, the words 'on unstamped paper' In section one hundred and nineteen, the words 'and be written upon stamp paper of the value prescribed for petitions to the Court where a stamp is required for petitions' Section one hundred and ninety-two, from and including the words, 'When such statements,' to the end of the section. In section one hundred and sixty-four, the words 'on unstamped paper' In section two hundred and and ninety-nine, the words 'on a stamp paper of the value of eight annas.'

SCHEDULE III.—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. VIII of 1859—*(continued)* ...		In section three hundred and twenty-six, the words 'on a stamp paper of one-fourth of the value prescribed for plaints in suits.'
		In section three hundred and twenty-seven, the words 'shall be written on the stamp paper required for petitions to the Court where a stamp is required for petitions by any law for the time being in force, and'
		In section three hundred and twenty-eight, the words 'which shall be subject to the same Stamp Duty as prescribed for plaints in suits"
		In section three hundred and sixty-eight, the words 'on a stamp paper of the value of one rupee if the appeal lie to the District Court, and on a stamp paper of the value of two rupees if the appeal lie to the Sudder Court,'
		Section three hundred and seventy-seven, from and including the words 'If the application,' to the end of the section.

SCHEDULE III.—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. X of 1859 ...	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William.	In sections thirteen and one hundred and twenty, the words '(which may be on plain paper)'
		In section nineteen, the words 'on plain paper'
		So much of sections one hundred and fifty-six and one hundred and sixty-one as relates to the stamp to be borne by a petition of appeal.
Act No. XXIII of 1861 ...	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	The last clause of section twelve.
Act No. XX of 1862 ...	An Act to provide for the levy of fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	The preamble down to and including the words 'appointed to the said High Court; and'
		Section two.
Act No. I of 1863 ...	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah and to provide for the extension of certain Acts to the said Territory.	In section seventeen, the last sentence.

SCHEDULE III.—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. I of 1863—(*continued*).		In section twenty, the words 'shall be written on stamp paper of the value of one rupee if the appeal lie to the Court of the Deputy Commissioner, and on stamp paper of the value of two rupees if the appeal lie to the Court of the Commissioner or to the Court of the Chief Commissioner, and' Section twenty-six.
Act No. XX of 1863 ..	An Act to enable the Government to divest itself of the management of Religious Endowments.	In section eighteen, the words 'The application may be made upon unstamped paper' and 'In calculating the costs at the termination of the suit, the Stamp Duty on the preliminary application shall be estimated, and shall be added to the costs of the suit.'
Act No. XXI of 1863 ...	An Act to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein, in British Burmah; and to establish Courts of Small Causes in the said Towns.	Section forty-six.

SCHEDULE III.—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No XXXII of 1863...	An Act to continue in force Act XX of 1862 (to provide for the levy of fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court).	So far as it relates to fees and Stamp Duties.
Act No. X of 1865 ...	The Indian Succession Act, 1865,	Section three hundred and twenty-nine and the schedule.
Act No. XI of 1865...	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature.	In section forty-seven, the words 'The twenty-sixth section of Act X of 1862 (to consolidate and amend the law relating to Stamp Duties), and,'
Act No. XV of 1865..	The Parsi Marriage and Divorce Act, 1865.	Section thirty-nine.
Act No. XX of 1866...	The Indian Registration Act, 1866.	In section fifty-three, the words 'shall, where a stamp is required by law, bear a stamp of one-fourth the value prescribed for a plaint, in such a suit, and'
		In section eighty-four the words 'shall, where a stamp is required by law, bear a stamp of eight annas, and'

SCHEDULE III—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. XXI of 1866 ...	The Native Converts' Marriage Dissolution Act, 1866.	In section seven, the words 'shall bear a stamp of two rupees, and'
Act No. XXVI of 1867	An Act to amend the law relating to stamp duties.	The whole Act, except the words 'No Advocate of any High Court shall be required to file or present a Mukhtarnama or Wakalatnama or any other document empowering him to act.'
Act No. XIX of 1868 ...	The Oudh Rent Act, 1868.	In section fifteen, the words 'the application shall bear a stamp of eight annas' In section twenty-five, the words 'on a paper bearing a stamp of eight annas' In section thirty, the words 'on a paper bearing a stamp of eight annas'
Act No. XXVIII of 1868.	The Panjab Tenancy Act, 1868.	In sections seventeen and forty, the words 'on a paper bearing a stamp of eight annas' Section forty-three.
Act No. IV of 1869 ...	The Indian Divorce Act.	In section forty-seven, the words 'or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees and'

SCHEDULE III—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Act No. IV of 1869—*(continued).*		and the words 'in the first, second and third cases mentioned in this section,'
		In section forty-nine, the words 'shall bear a stamp of eight annas, and'
Act No. IX of 1869* ..	The Indian Income Tax Act.	In section nineteen, the words 'it shall bear a stamp of eight annas,'
		In section twenty-one the words 'shall bear a stamp of one rupee, and'
Bengal Regulation VI of 1823.	A Regulation for authorizing the institution of summary suits to enforce the execution of certain written engagements for the cultivation and delivery of the Indigo Plant, and for declaring certain principles in regard to the same.	Sections seven and eight.
Bengal Act No. VI of 1862.	An Act to amend Act X of 1859 (to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal).	In section five, the passage beginning with the words 'upon paper' and ending with 'deposit'

* Although this Act was repealed by Act XVI of 1870 yet section 2 of the latter Act states that "the references made in the Court Fees' Act, Schedule I to the Indian Income Tax Act shall be deemed to be made to this Act."

SCHEDULE III—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Bengal Act No. VI of 1862—(*continued*).		In section thirteen, the passage beginning with the words 'and be written'
Bengal Act No. II of 1869.	An Act to ascertain, regulate and record certain tenures in Chota-Nagpore.	Section twenty-two.
Bengal Act No. VIII of 1869.	An Act to amend the procedure in suits between landlords and tenants.	In sections fourteen and seventy-six, the words '(which may be on plain paper),
		In section twenty, the words 'on plain paper'
Madras Regulation III of 1802	A Regulation for receiving, trying and deciding suits on complaints declared cognizable in the Courts of Adawlut established in the several zillahs, immediately subject to the Presidency of Fort St. George.	Section twenty-one, from 'When' down to 'writing' both inclusive).
Madras Regulation IV of 1816.	A Regulation for declaring the head inhabitants of villages to be Moonsiffs in their respective villages, to hear and decide civil suits for sums of money, or other personal property, to a limited amount, and for defining their jurisdiction.	So much of section thirty-two as relates to fees on the institution of suits tried by Village Munsifs.

SCHEDULE III—*continued.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Madras Regulation V of 1816.	A Regulation for authorizing Village Moonsiffs to assemble Village Punchayets for the adjudication of civil suits for sums of money, or other personal property without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such Village Punchayets.	So much of sections ten and thirteen as relates to fees on the institution of suits tried by Village Panchayats.
Madras Regulation VII of 1816.	A Regulation for authorizing District Moonsiffs to assemble District Punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such District Punchayets.	So much of section ten as relates to fees on plaints and processes in suits before District Panchayets.
Madras Regulation XII of 1816.	A Regulation for authorizing Collectors to refer claims regarding lands or crops, the validity of which claims may depend on the determination of a disputed boundary; as also certain disputes respecting.	So much of section eleven as relates to fees on plaints before the Collector.

SCHEDULE III—*concluded.*

Enactments repealed.

Number and year.	Title.	Extent of repeal.
Madras Regulation XII of 1816—(continued).	the occupying, cultivating and irrigating of land, to be tried and determined by Village and District Punchayets; and for prescribing the Rules under which the trial of such disputes shall be conducted, and the decisions of the Punchayets carried into execution.	
Madras Regulation XIV of 1816.	A Regulation for amending and modifying the Rules which have been passed regarding the Office of Vakeel or Native Pleader in the Courts of Civil Judicature.	Section twenty-one, second clause.
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ACT VIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 18*th March* 1870).

* An Act for the prevention of the murder of Female Infants.

Preamble.

WHEREAS the murder of female infants is believed to be commonly committed in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows :—

Power to take measures under Act in particular districts.

1. If it shall appear to the Local Government that the said offence is commonly committed in any district, or by any class, or family, or persons residing therein, the Local Government may, with the previous sanction of the Governor General of India in Council, declare, by notification published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such district, or in respect of such class, or family, or persons.

The notification shall define the limits of such district, or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

Power to make rules.

2. When such notification shall have been published as aforesaid, it shall be lawful for the Local Government, subject to the provisions of section three, from time to time, to make rules consistent with this Act, for all or any of the following purposes :—

(1.)—For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and for making, from time to time, a census of such persons, or of any other persons residing within such district :

(2.)—For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants, for the purpose of preventing or detecting the murder of female infants in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act :

(3.)—For prescribing how and by whom information shall be given to the proper officers of all births, marriages, and deaths occurring or about to occur in such district, or in or among such class, family, or persons :

(4.)—For the regulation and limitation of expenses incurred by any person to whom such notification applies on account of the celebration of marriage or of any ceremony or custom connected therewith :

(5.)—For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable :

(6.)—For defining the duties of any officer or servant appointed to carry out any rule made under this section.

Confirmation and publication of rules.

3. No rule or alteration made under section two shall take effect until it shall have been confirmed by the Governor General of India in Council and published in the *Gazette of India* and also in the local Gazette.

Copies of every such rule shall be affixed in such places, and shall be distributed in such manner, as the Local Government may direct.

Punishment for breach of rules.

4. Whoever disobeys any such rule shall, on conviction before any officer exercising the powers of a Magistrate, be punished with imprisonment for a term which may extend to six

months, or with fine which may extend to one thousand rupees, or with both.

Saving of prosecutions under other laws.

5. Nothing in this Act, or in any rule made and published as aforesaid, shall prevent any person from being prosecuted and punished under any other law for any offence punishable under this Act: Provided that no person shall be punished twice for the same offence.

Power to place neglected children under supervision.

6. If it appears to the Magistrate of the District that any person to whom the notification mentioned in section one applies, neglects to make proper provision for the maintenance of any female child for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such Magistrate may, in his discretion, place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

The Magistrate of the District may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees as to such Magistrate shall seem reasonable, and if such person wilfully neglects to comply with such order, such Magistrate may, for every breach of the order, by warrant direct the amount due to be levied in manner provided by section sixty-one of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of Magistrates under section three hundred and sixteen of the same Code.

Extent of Act.

7. This Act shall, in the first instance, extend only to the North-Western Provinces, to the Panjáb, and to Oudh; but the Governor General of India in Council may by order extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India; and the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor General of India in Council shall be published in the

Gazette of India. Every other order made under this section shall be published in the local official Gazette.

ACT IX of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th March 1870).

An Act to enable the Elphinstone Land and Press Company, Limited, when in voluntary liquidation, to sell their property to the Secretary of State for India in Council.

Preamble.

WHEREAS it is desirable that the property of the Elphinstone Land and Press Company, Limited, should be transferred to the Secretary of State for India in Council for public purposes: And whereas negociations for the transfer of the property of the said Company are now pending between the said Secretary of State in Council and the said Company, and it has been agreed that, in the event of the said transfer being made, the purchase-money for the said property shall be paid in four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred rupees for each ninety-three rupees of such purchase-money: And whereas the said Company is desirous of being wound up voluntarily under the Indian Companies' Act, 1866: And whereas doubts have arisen whether Voluntary Liquidators, when appointed by the said Company to transfer the said property, can make such transfer in consideration of the stock to be issued as aforesaid; It is hereby enacted as follows:—

Voluntary Liquidators empowered to sell for four per cent. stock.

1. The Voluntary Liquidators of the said Company when duly appointed shall have power and are hereby empowered to transfer the property of the said Company, or any part thereof, to the Secretary of State for India in Council, and to make such transfer in consideration of, and to receive the purchase-money either wholly or in part in, four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred rupees for each ninety-three rupees of such purchase-money.

Receipt of Liquidators to discharge Secretary of State from liability.

2. A receipt by the Voluntary Liquidators of the said Company for the amount of the stock issued and delivered to the said Liquidators shall be deemed a sufficient acknowledgment of the issue and delivery of so much of the said stock as in such receipt shall be expressed to be issued and delivered to the said Company, and the said Secretary of State in Council shall not be concerned to see to the distribution of the said stock amongst the shareholders of the said Company, or be responsible for any loss or misapplication or wrongful distribution thereof.

Upon execution of instruments of transfer property of Company to vest in Secretary of State.

3. Upon the execution by the said Voluntary Liquidators of any instrument or instruments purporting to transfer the property or any part thereof of the said Company to the said Secretary of State in Council, such property or part thereof (as the case may be) shall vest in the said Secretary of State in Council according to the tenor and effect of the said instrument or instruments, but discharged from all claims on the part of the said Company and shareholders thereof for the purchase-money of the said property and the stock to be issued in payment thereof.

ACT X of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st April 1870.)

THE LAND-ACQUISITION ACT, 1870.

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An Act for the acquisition of land for public purposes and for Companies.

WHEREAS it is expedient to consolidate and amend the law for the acquisition of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows :—

Preamble.

PART I.

PRELIMINARY.

Short title. 1. This Act may be called "The Land Acquisition Act, 1870 :"

Local extent. It extends to the whole of British India ;

Commencement. And it shall come into force on the first day of June 1870.

Repeal of Acts. 2. On and from such day Act No. VI of 1857 (*for the acquisition of land for public purposes*), Act No. II of 1861 (*to amend Act No. VI of* 1857), and Act No. XXII of 1863 (*to provide for taking land for works of public utility to be constructed by private persons or Companies and for regulating the construction and use of works on land so taken*) shall be repealed.

All references made to any of the said Acts in subsequent Acts, orders or contracts shall be read as if made to this Act.

Interpretation clause. 3. In this Act—

"Land." The expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth :

"Person interested." The expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act :

"Collector." The expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act :

"Court." The expression "Court" means, in the Regulation Provinces, British Burma and Sindh, a principal Civil Court of original jurisdiction, and in the Non-regulation Provinces other than British Burma and Sindh, the Court of a Commissioner of a Division, unless when the Local Government has appointed (as it is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a Judge under this Act, and then the expression "Court" means the Court of such officer:

"Company." The expression "Company" means a Company registered under the Indian Companies' Act, 1866, or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent;

"Entitled to act." And the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability: a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age; and the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

PART II.

ACQUISITION.

Preliminary Investigation.

Power to enter and survey. 4. Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the local Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

Thereupon it shall be lawful for any officer either general or specially authorized by such Government in this behalf, and for his servants and workmen, to enter upon and survey and take levels of any land in such locality : to dig or bore into the sub-soil : to do all other acts necessary to ascertain whether the land is adapted for such purpose : to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon ; to mark such levels, boundaries and line by placing marks and cutting trenches : and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle.

Power to mark out line.

Power to clear land.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at lest seven days' notice in writing of his intention to do so.

Previous notice of entry.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

Payment for damage.

Declaration of intended Acquisition.

6. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders :

Declaration that land is required for a public purpose.

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid out of public revenues, or out of some Municipal Fund, or by a Company.

The declaration shall be published in the local official Gazette and shall state the District or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

Contents of declaration.

The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

Declaration to be evidence.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

After declaration, Collector to take order for acquisition.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section four) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

Land to be marked out and measured.

Plan.

9. The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

Notice to persons interested.

Such notice shall state the particulars of the land so needed and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.

Contents of notice.

The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for

Notice to occupiers.

persons so interested, as reside, or have agents authorized to receive service on their behalf, within the Revenue District in which the land is situate.

In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post.

Power to require statements as to names and interests.

10. The Collector may also require any such person to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Persons required to make statements to be deemed legally bound to do so.

Every person required to make or deliver a statement under this section or section nine, shall be deemed to be legally bound to do so within the meaning of sections one hundred and seventy-five and one hundred and seventy-six of the Indian Penal Code.

Enquiry into value and claims.

Enquiry into value and amount of compensation Tender.

11. On the day so fixed, the Collector shall proceed to enquire summarily into the value of the land and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice.

Power to summon witnesses.

For the purpose of such enquiry, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and (as far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

Postponement of enquiry.

12. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, from time to time postpone the enquiry to a day to be fixed by him.

13. In determining the amount of compensation the Collector shall take into consideration the matters mentioned in section twenty-four and shall not take into consideration any of the matters mentioned in section twenty-five.

Matters to be considered and matters to be neglected.

Award by Collector.

14. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same.

Award in case of agreement as to compensation.

Such award shall be filed in the Collector's office and shall be conclusive evidence, as between the Collector and the persons interested, of the value of the land and the amount of compensation allowed for the same.

Award to be filed and to be evidence.

15. When the Collector proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed, if no claimant attends, or if the Collector considers that further enquiry as to the nature of the claim ought to be made by the Court, or if any person whom the Collector has reason to think interested does not attend, or if the Collector is unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed or if upon the said enquiry any question respecting title to the land or any rights thereto or interests therein arise between or among two or more persons making conflicting claims in respect thereof, the Collector shall refer the matter to the determination of the Court in manner hereinafter appearing.

Reference where no claimant attends, or if Collector and persons interested cannot agree.

Taking Possession.

16. When the Collector has made an award under section fourteen or a reference to the Court under section fifteen, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances

Power to take possession.

Power to take possession in case of urgency.

17. In cases of urgency, whenever the Local Government so directs, the Collector (though no such reference has been directed or award made) may, on the expiration of fifteen days from the publication of the notice mentioned in the first paragraph of section nine, take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government free from all encumbrances.

The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land ; and in case such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Collector's statement on reference to Court.

18. In making a reference under section fifteen, the Collector shall state for the information of the Court, in writing under his hand, (*a*) the situation and extent of the land needed, (*b*) the names of the persons whom he has reason to think interested in such land, (*c*) the amount awarded for damages and paid or tendered under sections five and seventeen, or either of them, the amount of compensation tendered for the land under section eleven, or, if no claimant has attended pursuant to the notice mentioned in section nine, the amount of compensation which the Collector is willing to give to the persons interested, and (*d*) the grounds on which the amount of compensation was determined.

Service of notice.

19. The Court shall thereupon cause to be served on each of the persons so named a notice requiring him (if he has not made a claim under section nine) to state to the Court, on or before a day to be therein mentioned, the sum which he claims as compensation for his interest in the land so needed.

The Court shall also cause a notice to be served on the Collector and each of such persons requiring them to

appoint, on or before a day to be therein mentioned, two qualified assessors (one to be nominated by the Collector and the other by the persons interested) for the purpose of aiding the Judge in determining the amount of the compensation.

If no claimant has attended pursuant to the notice mentioned in section nine, the Court shall cause to be affixed on some conspicuous place on or near the land needed a notice to the effect that, if the persons interested in such land do not, on or before a day to be therein mentioned, appear in Court and state the nature of their respective interests in the land and the amount and particulars of their claims to compensation, and nominate a qualified assessor, the Court will proceed to determine such amount.

Power to appoint an assessor.

20. In case of failure to nominate either of such assessors within the time so specified, the Judge shall himself appoint an assessor in his stead.

Determination of amount.

21. As soon as the assessors have been appointed the Judge and the assessors shall proceed to determine the amount of the compensation.

Appointment of new assessor.

22. If before such amount is determined, any of the assessors dies or desires to be discharged, or refuses or neglects, or becomes incapable to act, the part whom he was appointed may appoint some other qualified person to act in his place.

If the assessor so dying, or desiring to be discharged, or refusing, or neglecting or becoming incapable ware appointed by the Judge, or, in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court, for that purpose the party who appointed such assessor fails to appoint another, the Judge shall appoint some other qualified person in his stead.

Powers of new assessor.

Every assessor so substituted shall have the same powers as were vested in the former assessor at the time of his so dying or desiring to be discharged, or refusing or neglecting or becoming incapable.

23. Every proceeding under section twenty-one shall take place in open Court, and all persons entitled to practise in any Civil Court shall be entitled to appear, plead and act, or to appear and act (as the case may be), in such proceeding.

Proceedings to be in open Court.

24. In determining the amount of compensation to be awarded for land acquired under this Act, the Judge and assessors shall take into consideration—*first*, the market-value, at the time of awarding compensation, of such land: *secondly*, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such land from his other land: *thirdly*, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings: and *fourthly*, if, in consequence of the acquisition, he is compelled to change his residence, the reasonable expenses (if any) incidental to such change.

Matters to be considered in determining compensation.

25. But the Judge or assessors shall not take into consideration—*first*, the degree of urgency which has led to the acquisition: *secondly*, any disinclination of the person interested to part with the land acquired: *thirdly*, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit: *fourthly*, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put: *fifthly*, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired: *sixthly*, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put: or *seventhly*, any outlay or improvements on such land made, commenced, or effected with the intention of enhancing the compensation to be awarded therefor under this Act.

Matters to be neglected in determining compensation

Rules as to amount of compensation.

26. Where the person interested has made a claim to compensation, pursuant to any notice mentioned in section nine or in section nineteen, the amount awarded to him shall not exceed the amount so claimed. or be less than the amount tendered by the Collector under section eleven.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him shall not be less than, and may exceed, the amount so tendered.

The provisions of this and the two preceding sections shall be read to every assessor, in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded under this Act.

Record of assessors' opinions.

27. The opinion of each assessor shall be given orally and shall be recorded in writing by the Judge.

Difference on questions of law.

28. In case of a difference of opinion between the Judge and the assessors or any of them upon a question of law or practice or usage having the force of law, the opinion of the Judge shall prevail, and there shall be no appeal therefrom.

Agreement as to amount of compensation.

29. In case the Judge and one or both of the assessors agree as to the amount of compensation, their decision thereon shall be final.

Difference as to the amount of compensation.

30. In case of difference of opinion between the Judge and both of the assessors as to the amount of compensation, the decision of the Judge shall prevail, subject to the appeal allowed under section thirty-five.

Assessors' fees.

31. Every assessor appointed under this Act, not being an officer of Government, shall receive such fee for his services as the Judge shall direct, provided that such fee shall not exceed five hundred rupees. Such fee shall be deemed to be costs in the proceeding.

Costs of proceedings taken by order of Court.

32. The costs of all proceedings taken under this Part by order of the Court shall, in the first instance, be paid by the Collector.

Party to pay costs.

33. Where the amount awarded does not exceed the sum tendered by Collector, the costs of all proceedings under this Part shall be paid by the person interested.

Where the amount awarded exceeds the sum so tendered, such costs shall be paid by the Collector.

Awards to be in writing.

34. Every award made under this Part shall be in writing signed by the Judge and the assessors or assessors concurring therein, and shall specify the amount awarded under the first clause of section twenty-four, and also the amounts (if any) respectively awarded under the second, third and fourth clauses of the same section, together with the grounds of awarding each of the said amounts It shall also state the amount of costs incurred in the proceedings under this Part and by what persons and in what proportions they are to be paid.

Award to state amount of costs.

Recovery of costs.

The costs (if any) payable by the person interested and not deducted under section forty-two may be recovered as if they were costs incurred in a suit, and as if the award were the decree therein.

Appeal from Judge's decision as to compensation.

35. If the Judge differs from both the assessors as to the amount of compensation, he shall pronounce his decision and the Collector or the person interested (as the case may be) may appeal therefrom to the Court of the District Judge, unless the Judge whose decision is appealed from is the District Judge, or unless the amount which the Judge proposes to award exceeds five thousand rupees, in either of which cases the appeal shall lie to the High Court.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

Provisions of Code of Civil Procedure made applicable.

36. The following provisions of the Code of Civil Procedure (*a*) as to adding parties, (*b*) as to adjournment, (*c*) as to death, marriage and bankruptcy or insolvency of parties, (*d*) as to summoning witnesses and their attendance, (*e*) as to examination of parties and witnesses, (*f*) as to production of documents, and (*g*) as to commissions to examine absent witnesses and to make local enquiries, shall apply, so far as may be, to proceedings before the Court.

PART IV.

APPORTIONMENT OF COMPENSATION.

Particulars of apportionment to be specified.

37. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to apportionment.

38 When the amount of compensation has been settled under section fourteen, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall refer such dispute to the decision of the Court.

Determination of proportions.

39. When the amount of compensation has been settled by the Court, and there is any dispute as to the apportionment thereof, or when a reference to the Court has been made under section thirty-eight, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount.

An appeal shall lie from such decision to the High Court, unless the Judge whose decision is appealed from is not the District Judge, in which case the appeal shall lie in the first instance to the District Judge.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

PART V.

PAYMENT.

Payment of compensation to whom made.

40. Payment of the compensation shall be made by the Collector according to the award to the persons named therein, or, in the case of an appeal under section thirty-nine according to the decision on such appeal: Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

Proviso.

Payment on making award by Collector.

41. When the amount of the compensation has been settled under section fourteen, if the persons interested shall so desire, the Collector shall on the making of the said award pay the amount of such compensation and take possession of the land: Provided that, in any case where immediate possession is not required, he may allow the occupants (if any) of the land to remain in occupation of the same, upon such terms as he and they may agree on, until possession of the land is required.

Percentage on market-value.

42. In addition to the amount of any compensation awarded under Part II or Part III of this Act, the Collector shall, in consideration of the compulsory nature of the acquisition, pay fifteen per centum on the market-value mentioned in section twenty-four.

Payment with interest.

When the amount of such compensation is not paid on taking possession, the Collector shall pay the amount awarded and the said percentage with interest on such amount and percentage at the rate of six per centum per annum from the time of so taking possession: Provided that the costs, if any, payable to the Collector by the person interested, shall be deducted from such amount and percentage.

Time of payment in appealable cases.

Provided that, in cases where the decision of the Court under Part III or Part IV of this Act is liable to appeal, the Collector shall not pay the amount of compensation or the percentage, or any part thereof, until the time for appeal-

ing against such decision has expired and no appeal shall have been presented against such decision, or until any such appeal shall have been disposed of.

PART VI.

TEMPORARY OCCUPATION OF LAND.

Temporary occupation of waste or arable land.

43. Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

Difference as to compensation.

In case the Collector and the persons interested differ as to the sufficiency of the compensation, the Collector shall refer such difference for the final order of the Court.

Power to enter and take possession.

44. On payment of such compensation, or on executing such agreement, or on making a reference under section forty-three, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice, and on the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein: Provided that, if the land has become permanently unfit to be used for the purpose for which it was used

Restoration of land taken.

immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

Difference as to condition of land.

45. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference for the final order of the Court, and on such reference, or on a reference under section forty-three, the Judge sitting alone shall decide the difference referred.

PART VII.

ACQUISITION OF LAND FOR COMPANIES.

Company may be authorized to enter and survey.

46. Subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred by section four.

Construction of sections four and five.

In every such case section four shall be construed as if, for the words "for such purpose," the words "for the purposes of the Company" were substituted, and section five shall be construed as if, after the words "the officer," the words "of the Company" were inserted.

Consent of Local Government to acquisition.

47. The provisions of section six to section forty-five (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, and unless the Company shall have executed the agreement hereinafter mentioned.

Execution of agreement.

Previous enquiry.

48. Such consent shall not be given unless the Local Government be satisfied, by an enquiry held as hereinafter provided, (1) that such acquisition is needed for the construction of some work, and (2) that such work is likely to prove useful to the public. Such enquiry shall be

held by such officer and at such time and place as the Local Government shall appoint. Such officer may summon and enforce the attendance of witnesses, and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

Agreement with Secretary of State in Council.

49. Such officer shall report to the Local Government the result of the enquiry, and if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government for the following matters, namely :—(1) the payment to Government of the cost of the acquisition, (2) the transfer, on such payment, of the land to the Company, (3) the terms on which the land shall be held by the Company, (4) the time within which, and the conditions on which, the work shall be executed and maintained, and (5) the terms on which the public shall be entitled to use the work.

Publication of agreement.

50. Every such agreement shall, as soon as may be after its execution, be published in the *Gazette of India* and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

PART VIII.

MISCELLANEOUS.

Service of notice.

51. Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section four, by the officer therein mentioned,

and, in the case of any other notice, by or by order of the Collector or the Judge.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business.

Obstruction to survey &c.
Filling trenches.
Destroying land-marks.

52. Whoever wilfully obstructs any person in doing any of the acts authorized by section four or section eight, or wilfully fills up, destroys, damages, or displaces any trench or mark made under section four shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Magistrate to enforce surrender.

53. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Government not bound to complete acquisition.

54. Except in the case provided for in section forty-four, nothing in this Act shall be taken to compel the Government to complete the acquisition of any land unless an award shall have been made or a reference directed under the provisions hereinbefore contained. But whenever the Government declines to complete any such acquisition, the Collector shall determine the amount of compensation due for the damage (if any) done to such land under section four or section

Compensation when acquisition is not completed.

eight, and not already paid for under section five, and shall pay such amount to the person injured.

Part of house or building not to be taken.

55. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired.

Payment of Collector's charges by Municipal Body or Company.

56. Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any Municipal Fund, or of any Company, the charges incurred by the Collector in such acquisition shall be defrayed from or by such Fund or Company.

Exemption from stamp-duty and fees.

57. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Bar of suits to set aside awards under Act.

58. No suit shall be brought to set aside an award under this Act. And no suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, [nor after the expiration of three months from the accrual of the cause of suit or other proceeding.]

Limitation of suits for any thing done in pursuance of Act.

Power to make rules.

59. The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

Publication of rules.

All such rules, alterations and additions shall, when sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

ACT XI OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 1st April 1870*)

THE INDIAN WEIGHTS AND MEASURES ACT, 1870.

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An Act to regulate the Weights and Measures of British India.

Preamble.

WHEREAS it is expedient to provide for the ultimate adoption of an uniform system of Weights and Measures throughout British India; It is hereby enacted as follows :—

I.—Preliminary.

Short title. Local extent.

1. This Act may be called "The Indian Weights and Measures Act, 1870," and extends to the whole of British India.

II.—Standards.

Standard of Weight.

2. The primary Standard of Weight shall be called a Ser, and shall be a Weight of metal in the possession of the Government of India, which weight, when weighed in a vacuum, is equal to the Weight known in France as the Kilogramme des Archives.

Standard of Length.

3. The primary Standard of Length shall be called a Metre, and shall be the distance between the marks at the ends of a rod of metal in the possession of the Government of India, which distance, when measured at the temperature of melting ice, is equal to the Measure of Length known in France as the Metre des Archives.

Units of Weight and Measurement.

4. The Units of Weight and Measurement shall be—for Weights, the said Ser; for Measures of Capacity, a measure containing one such Ser of water at its maximum density, weighed in a vacuum; for Measures of Length, the said Metre; for Measures of Area, the square Metre; for Measures of Solidity, the cubic Metre.

Special Weights and Measures to be authorized.

5. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures, other than the said units, to be authorized under this Act: Provided that every such Weight or Measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

The Governor General in Council may, in like manner revoke such notification.

Unless it be otherwise ordered in any such notification, the sub-divisions of all such Weights and Measures shall be expressed in decimal parts.

District how defined.

6. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of districts for the purposes of this Act.

Sub-districts how defined.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of sub-districts for the purposes of this Act.

Primary standards to be provided.

7. The Governor General in Council shall provide, in such manner and for such districts as the said Governor General in Council shall direct, proper primary standards and sets of the said authorized Weights and Measures.

Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

Local standards to be provided.

8. The Local Government shall provide, in such manner and for such sub-districts as the Local Government shall direct, copies of such of the said authorized Weights and Measures as shall be necessary to serve as local standards in such sub-districts.

Such local standards shall be deemed correct, until they are proved to be otherwise.

III.—Use of new Weights and Measures.

Use of new Weights and Measures in Government Offices, &c.

9. Whenever the Governor General in Council considers that proper standard Weights and Measures have been made available for the verification of the Weights and Measures to be used by any Government Office or Municipal Body or Railway Company, the Governor General in Council may, by notification in the *Gazette of India*, direct that, after a date to be fixed therein, all or any of the Weights and Measures authorized as aforesaid shall be used in the dealings and contracts by such Office, Body or Company.

General use of new Weights and Measures of Capacity.

10. The Governor General in Council, or the Local Government with the previous assent of the Governor

General in Council, may, by notification in the official Gazette, direct that, after a date to be fixed therein, all or any of the Weights and Measures of Capacity authorized as aforesaid shall, in every district or sub-district therein mentioned, be used in the dealings and contracts of all persons engaged in business or trade, or of the persons engaged in any specified business or trade; and may in like manner, from time to time, alter or revoke such direction: Provided that no such notification shall issue, until proper standard Weights and Measures have been provided for such district or sub-district.

Contracts by Weight or Measure.

11. After the date fixed in any notification under section nine or section ten, all dealings and contracts had and made by the Officers, Bodies, Companies, or persons mentioned or referred to in such notification, for any work to be done or goods to be sold or delivered by Weight or Measure of capacity, length, area or solidity shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the Weights and the Measures of capacity, length, area or solidity, as the case may be, directed in such notification to be used by such Officers, Bodies, Companies or persons.

IV.—*Wardens.*

Appointment of Wardens.

12. The Governor General in Council (as regards the said primary standards and sets of authorized Weights and Measures) and the Local Government (as regards the said local standards) shall appoint Wardens for the custody of the said standards and sets of authorized Weights and Measures.

The Governor General in Council, or the Local Government, as the case may be, may, at any time suspend or remove any such Warden, and appoint another person in his stead.

Periodical verification of Weights, Measures and Balances.

13. All officers of Government, municipal officers, officers and servants of Railway Companies and persons engaged in businesses or trades, shall, so far as they are required by the rules made under section twenty-

seven, submit to a Warden for verification the Weights, Weighing Machines and Measures used by them under the provisions of section nine or section ten, and the Balances used by them in their dealings, at such times not oftener than once in two years, and pay for such verification such fee, as the said rules shall prescribe.

Warden to verify and correct Weights Measures and Balances.

14. Every such Warden (so far as he is required by the rules made under section twenty-seven) shall verify, and shall, if requested so to do, correct, all Weights, Weighing Machines and Measures purporting to indicate Weights or Measures authorized under this Act, and all Balances, which are brought to him to be verified or corrected, and which appear to him fit for verification or correction. When such Weights, Machines, Measures or Balances are found or made correct and in conformity with the requirements of this Act, he shall certify such correctness and conformity by stamping, engraving or branding them with the proper mark.

May refuse to verify or correct things unfit.

15. The Warden may deface, or render incapable of use, or refuse to verify, correct, or mark, anything so brought, which appears to him unfit for verification or correction.

To institute and conduct prosecutions.

16. All prosecutions under this Act shall be instituted and conducted by a Warden, or by such person as in each case the Warden may appoint in this behalf.

Search for Weights, Measures and Balances not verified or not correct.

17. On the application of a Warden, any officer in charge of a police station and, in a Presidency town, any inspector or superior officer of Police, may enter any premises or shop within the limits of such station or town for the purpose of inspecting or searching for Weights, Weighing Machines, and Measures kept for use under the provisions of section nine or ten, and for the purpose of inspecting or searching for the Balances kept for use in the dealings of the person occupying such premises or shop.

If such officer find in such premises or shop any such Weight, Machine, Measure or Balance, which shall not

be verified under the provisions herein contained, or in conformity with the requirements of this Act, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

Exercise of any of Warden's powers.

18. Any of the powers and duties conferred and imposed by this Act on a Warden may be exercised and performed by any other officer whom the Local Government may, from time to time, appoint.

V.—Penalties.

Commencement of penal sections.

19. The Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, fix the date from which all or any of the provisions of sections twenty, twenty-one, twenty-two and twenty-four shall come into force in respect to any district or sub-district; and the said sections shall be of no effect in such district or sub-district except in so far as they shall have so come into force.

Sale of Weights, Measures and Balances not verified.

20. Whoever sells any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act and directed to be used under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance shall not have been verified under the provisions herein contained, shall, for every such sale, be liable to a fine not exceeding five rupees, and, in default of payment thereof, to imprisonment for a term not exceeding a week.

Use of Weights Measures and Balances not verified but correct.

21. Whoever uses or has in his possession for purposes of business or trade any Weight, Weighing Machine or Measure purporting to indicate any Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance, being correct and in conformity with the requirements of this Act, shall not have been verified under the provisions herein

contained, shall, for every such thing so used or had in possession, be liable to a fine not exceeding five rupees, and, in default of payment thereof, to imprisonment for a term not exceeding a week.

Use of Weights, Measures and Balances not verified and not correct.

22. Whoever uses or has in his possession, for purposes of business or trade, any Weight or Measure other than a Weight or Measure directed to be used by him under section nine or ten, or any Machine for the purpose of indicating any Weight other than a Weight so directed to be used, or any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Measure, Machine or Balance has not been verified under this Act and is not correct, or is not in conformity with the requirements of this Act, shall, for every such offence, be liable to a fine not exceeding ten rupees, and, in default of payment thereof, to imprisonment for a term not exceeding a fortnight: Provided that nothing herein contained shall render it penal to use or to have in possession for purposes of business or trade any Weight or Measure in accordance with the standards of Weights and Measures established throughout the United Kingdom of Great Britain and Ireland.

Proviso as to Weights and Measures of the United Kingdom.

Convictions under sections 21 and 22 how limited.

23. No person shall be convicted under section twenty-two unless the Warden shall have proved that Weights or Measures verified under this Act, and suitable for the purposes of the business or trade of such person, were publicly offered for sale and procurable at a reasonable price in the district or sub-district in which the offence was committed, and at or immediately before the time when the offence was committed.

Failure to submit for verification.

24. Whoever fails to submit for verification under section thirteen any Weight, Weighing Machine or Measure used by him under the provisions of section nine or section ten,

or any Balance used by him in his dealings, shall be liable to a fine not exceeding fifty rupees, and, in default of payment thereof, to imprisonment for a term not exceeding one month.

Disposal of things in respect to which convictions take place.

25. A Magistrate convicting any person under section twenty, twenty-one, twenty-two or twenty-four of this Act, or under Chapter XIII of the Indian Penal Code (*Of offences relating to weighing and measuring*), may order the thing in respect to which the conviction took place to be brought before a Warden, to be dealt with under the provisions of sections fourteen and fifteen: Provided that, if the Magistrate consider such thing unfit for verification or correction, he may, instead of ordering it to be brought before a Warden, cause it to be defaced or rendered incapable of use.

Counterfeiting Warden's marks.

26. Whoever knowingly counterfeits any mark used by a Warden under section fourteen, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

VI.—*Miscellaneous.*

Power to make rules.

27. The Governor General in Council may, from time to time, make rules consistent with this Act for regulating the following matters:—(*a*) the appointment of Wardens; (*b*) the guidance of Wardens in all matters connected with the performance of their duties; (*c*) the provision, replacement, custody and use of the standards; (*d*) the method of verifying local standards, and Weights, Weighing Machines and Measures authorized under this Act, and Balances, and of certifying such verification; (*e*) the errors which may be tolerated in Weights, Weighing Machines and Measures authorized under this Act, and in Balances; (*f*) the shapes, proportions and dimensions to be given to Weights, Weighing Machines and Measures authorized under this Act, and to Balances, and the materials of which they may be made; (*g*) the marking on Weights and Measures authorized under this Act of

their several denominations; (*h*) the conditions under which Government Offices, Municipal Bodies, Railway Companies, and persons engaged in businesses or trades, shall be subject to inspection and verification of the Weights, Weighing Machines and Measures authorized under this Act, and of the Balances used or sold by them; (*i*) the fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines and Measures authorized under this Act, and of Balances.

Publication of rules.

Commencement of rules.

28. Such rules shall be published in the *Gazette of India*. And the Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare that, from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government Office, Municipal Body, or Railway Company, or of the persons engaged in any specified business or trade in any district or sub-district, and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

Recovery of fines and fees.

29. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

All fees payable under this Act shall be recoverable as though they were fines.

Tables of equivalents.

30. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures, other than those authorized under this Act, in terms of the Weights and Measures so authorized, and the equivalents so stated, after notification in the local official Gazette, shall be deemed the true equivalents.

ACT XII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 1*st April* 1870.)

THE NATIVE PASSENGER SHIPS ACT, 1870.

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An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.

Preamble.

WHEREAS abuses have occurred in the overcrowding of Ships conveying Native Passengers between Ports and places in India, and Ports and places in the Red Sea or Persian Gulf; and whereas similar abuses have also occurred in the case of Ships commanded or owned by subjects of Her Majesty and conveying Native Passengers between other Ports and places situate east of the Cape of Good Hope, and Ports and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regulation of all such Ships as aforesaid which shall depart from or arrive at any of the said Ports or places in India, and also for the regulation of Steam Vessels intended to carry passengers on coasting voyages; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Native Passenger Ships Act, 1870."

Extent of Act.

2. This Act extends to all subjects of Her Majesty whether within British India or within the dominions of Princes and States in India in alliance with Her Majesty, and to all persons being Native Indian subjects of Her Majesty without and beyond British India.

Act not to apply to Ships-of-war, &c., or to sea-going Steam Vessels conveying public mails.

Nothing in this Act applies to any Ship-of-war or Transport belonging to or in the service of Her Majesty or to any Ship-of-war belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State, or to any sea-going Steam Vessel employed in the conveyance of the public mails under a contract.

Repeal of Act.

Amendment of Act No. II of 1860, section 1.

3. Act No. XXI of 1858 (*for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages*) is hereby repealed; and section one of Act No. II of 1860 (*to amend the law relating to the carriage of Passengers by sea*)

shall be read as if, for the words and figures "Act XXI of 1858," the words and figures "The Native Passenger Ships Act, 1670," were substituted.

Interpretation clause. 4. In this Act—

"Magistrate." The word "Magistrate" means a person exercising powers not inferior to those of a Subordinate Magistrate of the first class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants :

"Local Government. The words "Local Government" mean the person or persons for the time being immediately administering the Executive Government of the territories where the Port or place in question is situate :

"Master." The word "Master" includes every person having command or charge of a Vessel :

"Native Passenger Ship." The words "Native Passenger Ship" mean a vessel carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India or in the said dominions to any Port or place in the Red Sea or Persian Gulf, or which may arrive at any Port or place within British India or the said dominions from any Port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers.

CHATER II.

Rules as to Native Passenger Ships.

Native Passenger Ships to sale only from Ports appointed by Government. 5. No Native Passenger Ship shall depart or proceed upon any voyage to which this Act extends from any Port or place within British India or the said dominions other than such Ports and places as the Local Government may from time to time appoint ; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a Port or place so to be appointed, no person shall be received on board as a passenger, except at some other duly appointed Port or place.

Not to sale without obtaining a certificate.

6. No Native Passenger Ship shall depart or proceed upon any such voyage from any Port or place appointed under this Act, until the Master shall have obtained a certificate from an officer authorized to grant the same.

Penalty.

7. If any Native Passenger Ship departs or proceeds upon a voyage from any Port or place within British India or the said dominions, or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of section five or section six, the Owner or Master shall, for every passenger conveyed on a Ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both; and the ship, if found within two years in any place within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act have been adjudicated, and the payment of the fines imposed under this Act, with all costs, has been enforced under the provisions of section thirty-five.

Appointment of officers.

8. Within British India, the Local Government shall appoint such persons as it may deem proper to exercise or perform the powers and duties conferred and imposed by this Act.

Master to notice of day of sailing, &c.,

9. The Master of any Native Passenger Ship sailing from any Port or place appointed under this Act, shall give notice to the proper officer that the Ship is to carry Native Passengers, and of her destination, and of the proposed day of sailing; such notice shall be given not less than three days before the proposed day of sailing.

Power to enter and inspect Ship.

10. After receiving such notice, the officer aforesaid or any person authorized by him, shall be at liberty at all times to enter and inspect the Ship and the fittings, provisions, and stores therein; and any person impeding or refusing to allow such inspection shall be liable, on conviction, to a fine,

not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship may be surveyed

11. The officer aforesaid may if he think fit, cause the Ship to be surveyed at the expense of the Master by a competent surveyor, who shall report whether the Ship is, in his opinion, sea-worthy and fit for her intended voyage.

Officer to be satisfied, before giving certificate—

12. The officer aforesaid shall not give his certificate, unless he shall be satisfied—

That the Ship is sea-worthy

(1). That the Ship is sea-worthy and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

That the space between-decks for passengers is sufficient.

(2). That the space appropriated to the passengers in the between-decks contains at the least twelve superficial and seventy-two cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

That the space on the upper deck is sufficient:

(3). That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers;

That there is a due supply of provisions.

(4). That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

Number of Passengers.

13. No such Ship shall carry any greater number of passengers than, together with the Master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the Ship.

List of passengers.

14. The Master of any such Ship, before departing or proceeding on any such voyage from any Port or place in British India, shall sign two lists, specifying (as accurately as

may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the Master one of such lists.

The Master shall note in writing on such last-mentioned list, and on any additional list to be made under this Act, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the Ship at her destination or at any Port at which it may be intended to land passengers and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the Port of arrival if it be a Foreign Port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place at which it shall be intended to land the passengers or any of them.

In case of non-compliance with any of the requirements of this section on the part of the Master, or if any false entry be wilfully made by him in any such list, the Master shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

Ship taking additional passengers and touching at intermediate Port.

15. If, after the Ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a Port or place within British India or the said dominions, appointed under this Act for the embarkation of passengers, or if such Ship, shall upon her voyage, touch or arrive at any such Port, having previously received on board additional passengers at any place beyond British India or the said dominions, the Master shall obtain a fresh certificate from the officer at such Port, and shall make lists of all such additional passengers; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or list made under this section.

In case the Master fail to obtain any such fresh certificate, or to make any such list of additional passengers,

he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, or to both.

Penalty for fraudulent alteration in Ship after certificate obtained.

16. If any Master of a Ship, after having obtained a certificate under section six or section fifteen of this Act, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the Ship, its passengers, or other matters to which such certificate relates, he shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Information to be transmitted to Port of embarkation.

17. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place within British India at which the Ship shall touch or arrive, shall, with advertence to the requirements of this Act, transmit any particulars which he may deem important respecting the Ship and the passengers conveyed therein, to the officer at the Port from which the Ship commenced her voyage, and also to the officer at any other Port within British India or the said dominions where the passengers or any of them embarked.

Report of Consul, &c., to be admissible in evidence.

18. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any Foreign Port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Depositions to be received in evidence when witnesses cannot be produced.

19. Whenever, in the course of any legal proceeding instituted under this Act at any Port or place in British India, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition

that such witness may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government, as the Port or place where such proceedings are instituted) or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted: Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer.

It shall not be necesary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificates as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Length of voyage to be fixed by proclamation.

20. Within British India, the Local Government may, by any proclamation to be from time to time issued for that purpose and published in the Government Gazette (if any), or in one of the public newpapers, declare what shall be deemed, for the purposes of this Act, the duration of the voyage of any Native Passenger Ship from any Port or place in British India or the said dominions to any other Port or place.

Quantity of provisions and water to be shipped.

21. Every Native Passenger Ship, at the time of departure from the Port or place at which passengers shall be embarked under this Act, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the declared duration of the voyage for every passenger on board, such water being carried in tanks or sweet casks, and a supply of rice, flour, oatmeal, or bread-stuffs to the amount of seven

pounds weight to every week of such duration for every such passenger ; Provided that, when any such Ship shall be destined to call at a Port or place in the course or her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such Port or place or calling, shall be deemed to be a compliance with this Act.

The provision of this section regarding food shall be deemed to have been complied with in any case where it shalll appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

Contract by passengers for supply of their own provisions.

22. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

Penalty on Ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports.

23. If any Ship, bringing passengers from any Port or place east of the Cape of Good Hope and not within British India or the said dominions to any Port or place within British India or the said dominions shall have on board a greater number of passengers or persons than in the proportion prescribed by this Act, the Master of such Ship, shall, in addition to any other penalty which he may have incurred under under the provisions of this Act, be liable, on conviction, for each person in excess of such proportion, to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Bond when Ship clears for a port Red Sea.

24. In the case of every Native Passenger Ship sailing from any Port within British India to any Port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such Ship, shall not grant such clearance unless and until the Owner, Agent or Master of such Ship and two sureties resident in British India shall, by a joint and several bond, have become bound unto the Secretary of State for India in Council in the penal sum of

rupees five thousand conditioned to be void if the said Ship touches at Aden on her outward and also on her homeward voyage and does not leave that Port without having obtained from the proper authority a clean bill of health.

Ship sailing to or from a port in Red Sea to touch at Aden.

15. Every Ship carrying more than thirty passengers being Natives of Asia or Africa, and sailing from any Port east of the Cape of Good Hope to any Port in the Red Sea, or sailing from any Port in the Red Sea to any Port east of the Cape of Good Hope, shall touch at Aden, and shall not leave that Port without having obtained from the proper authority a clean bill of health. Every Master of a Ship offending under this section, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Bill of health.

26. No bill of health shall be granted under section twenty-four or section twenty-five in case the Ship has on board a greater number of passengers or persons than in the proportion prescribed by this Act.

CHAPTER III.

COASTING STEAMERS.

Certificates to be furnished to coasting Steam Vessels intended to carry passengers.

27. Steam Vessels intended to carry passengers on coasting voyages from or to any Port or place within British India, shall, before proceeding on such voyages, be furnished with certificates granted in manner hereinafter provided.

Certificates to coasting Steam Vessels how to be granted, &c.

28. Every such certificate shall be granted at the discretion of an officer authorized by the Local Government to grant the same, and shall remain in force for the period therein specified, unless sooner revoked. The officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the Master or Owner, and upon payment of a fee not exceeding twenty rupees), that such

Steam Vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the Vessel is to ply, and the number of Native Passengers which the Vessel is permitted to carry : such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

Copy of the certificate to be placed in conspicuous part of Ship.

29. The Owner or Master of any such Steam Vessel shall put up in a conspicuous part of the Ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force ; and in default, such Owner or Master shall, for each offence, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for excess of number specified in certificate.

30. If such Steam Vessel has on board thereof any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the Owner or Master shall, for every passenger over and above the number allowed by the certificate, be liable to a fine not exceeding twenty Rupees, or to imprisonment not exceeding one week, or to both.

Penalty for proceeding without certificate.

31. If any such Steam Vessel shall proceed on any such voyage without such certificate as aforesaid, the Owner or Master shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for any term not exceeding three months, or to both.

Grant or revocation of certificate to be subject to control of Government.

32. In the grant or revocation of any certificate under this Act, the officer granting or revoking the same shall be subject to the control of the Local Government or of any intermediate authority which that Government may appoint.

CHAPTER IV.

MISCELLANEOUS.

Penalty on landing passenger at a place other than that at which he has contracted to land.

33. If any Native passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Passenger's right of action preserved.

34. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

Adjudication of offences.

35. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Fine leviable by distress on Ship.

If the person on whom any fine is imposed under this Act is the Master or Owner of a Ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by the law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture and apparel.

Jurisdiction.

36. For the purpose of the adjudication of penalties under this Act, every offence hereunder shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

By whom proceedings for penalties to be instituted.

37. The penalties to which Masters and Owners of Ship are liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or, at any Port or place where there is no such officer, by the Chief Officer of Customs.

38. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

Application of fines.

ACT XIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st April 1870).

An Act to apply the provisions of Act No. XVIII of 1854 to Railways belonging to or worked by, Government.

1. ACT No. XVIII of 1854 *(relating to Railways in India)* shall apply to all Railways now or hereafter belonging to Government, but worked by a Railway Company, in the same manner as if such Railways belonged to the Company and had been opened by the Company in manner mentioned in the preamble to the said Act.

Application of Railway Act to Railways belonging to Government but worked by Companies.

2. Subject to the modifications hereinafter mentioned the said Act shall apply to all Railways now or hereafter worked by Government in the same manner as if such Railways had been opened by a Railway Company in manner aforesaid.

Application of Railway Act to Railways worked by Government.

3. In applying the said Act to any Railway now or hereafter worked by Government the expressions "servant of the Company," "such servant," "such servant of the Company," "servant of the said Company," "Company's servants," "servants of the Company," "their servants," and "any of their servants," shall mean a servant or servants employed on such Railway: the expressions "officer or servant of such Railway Company," "officer or servant of such Company," "officer or servant of the Company," "servant or officer of the Company," and "such officer or servant" shall

Modifications of Act when applied to Railways worked by Government.

mean an officer or servant employed on such Railway: the expressions "the premises of any such Railway Cmpany," "the premises of the Company," "premises belonging to the Company," "lands belonging to such Railway Company," and "lands, stations or other precaises belonging to the Company," shall mean the premises, lands or stations (as the case may be) occupied by or for such Railway: the expression "delivered to such Railway Company" shall mean "delivered to an officer on behalf of Government," and the expression "engagements on behalf of the said Railway Company" shall mean engagements on behalf of Government: sections nine and ten shall be read as if, for the expression "No such Railway Company shall," the expresion "The Government shall not" were substituted: the expressions "any such Railway Company," "such Railway Company," "any such Company," and "the Company" shall mean, in sections three, six, eight, eleven, twelve, fifteen, twenty-two, twenty-seven and thirty, the Government; but in sections seventeen, nineteen, twenty, twenty-one, twenty-three, forty-one and forty-two, the expressions "Railway Company," "such Railway Company," "the Company" and "they" (when referring to a Company) shall mean the officer for the time being entrusted with the control of such Railway: in section twenty the expression "their railway" shall mean such Railway: and section twenty-nine shall be read as follows:—

"XXIX. In the construction of this Act, every officer and servant employed on such Railway shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public, which he shall be required to do by any regulation made by the officer for the time being entrusted with the control of such Railway and allowed by the Governor General of India in Council, and of which regulation such officer or servant shall have notice: and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger and which by any such regulation he shall be prohibited from doing; and every person employed by or on behalf of the Government to do any act upon the Railway shall be deemed to be a servant employed on such Railway."

ACT XIV OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th April 1870).

An Act for repealing certain enactments which have ceased to be in force, or have become unnecessary.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows :— Preamble,

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to: And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing: Nor shall this Act affect any principal or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed: Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing, or in force. Enactments in schedule repealed.

2. This Act may be called "The Repealing Act, 1870." Short title.

Obsolete Enactments.

SCHEDULE.

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
13 Geo. III, cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three and thirty-six, and section thirty-eight from and including the words 'and for that purpose' to the end of the section.
21 Geo. III, cap. lxx.	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of His present Majesty, intituled, An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the Governor General and Council of Bengal, and also officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclusive). Section nineteen to twenty-six (both inclusive).
33 Geo. III, cap. lii.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the government of the said territories and the better administration of justice within the same; for	Section sixty-one. Section one hundred and thirty-seven from and including the words 'nor shall it be lawful for any of His Majesty's subjects' to the end of the section.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
33 Geo. III, cap. lii,—continued.	appropriating to certain uses the revenue and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	Sections one hundred and fifty-five and one hundred and fifty-nine.
37 Geo. III, cap. clii.	An Act for the better administration of justice at Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III, cap. lxxix.	An Act for establishing further regulations for the government of the British territories in India, and the administration of justice within the same.	Section four, six, eight, ten, eleven seventeen, eighteen nineteen, twenty, one, twenty-two, twenty-three, twenty-four.
53 Geo. III, cap. clv.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen; one hundred and twenty-two.
54 Geo. III, cap. cv.	An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.	The whole.

Obsolete Enactments.

SCHEDULE.—*(continued)*.

PART I—STATUTES.

Year and chapter.	Title.	Extent of repeal.
55 Geo. III, cap. lxxxiv.	An Act to amend so much of an Act of the thirty-third year of His present Majesty, as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the thirty-ninth and fortieth year of His present Majesty, as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presidencies in the East Indies, to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases.	The whole Act, except section one.
4 Geo. IV, cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	Sections eight, ten and fourteen.
5 Geo. IV, cap. cviii.	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra.	Section two.
6 Geo. IV, cap. lxxxv.	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta: for authorizing the transportation of offend-	Section six.

Obsolete Enactments.

SCHEDULE.—*(continued)*.

PART I.—STATUTES.

Year and chapter.	Title.	Extent of repeal.
6 Geo. IV, cap. lxxxv.	ers from the Island of Saint Helena; and for more effectually providing for the administration of justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
7 Geo. IV, cap. xxxvii.	An Act to regulate the appointment of juries in the East Indies.	So much as has not been repealed.
9 Geo. IV, cap. xxxvii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole Act, except as to the estates of persons dying before the first day of January 1866.
11 Geo. IV & 1 Wm. IV, cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.	The whole.
5 & 6 Wm. IV, cap. vi.	An Act to indemnify the Governor General and other persons in respect of certain acts done in the administration of the government of the British Territories in the East Indies subsequent to the twenty-second day of April one thousand eight hundred and thirty-four, and to make those acts valid.	The whole Act so far as it relates to British India.
11 & 12 Vic., cap. xxi.	An Act to consolidate and amend the Laws relating to insolvent debtors in India.	Sections one, sixty-five, sixty-six and sixty-seven.
17 & 18 Vic., cap. civ.	An Act to amend and consolidate the Acts relating to Merchant Shipping.	Section nine, so far as it relates to British India.

Obsolete Enactments.

SCHEDULE :—(*continued*).

PART II.—ACTS.

Number and Year.	Title.	Extent of repeal.
X of 1836 ...	Indigo contracts ...	Section one.
XX of 1836 ..	Revenue Sale law ..	Sections one and four.
VI of 1837 ...	Land Revenue (Cuttack) ...	Section two.
XXXVI of 1837 ...	Madras Criminal Jurisdiction Act	In section one, the words and figures 'It is hereby enacted that from the 15th day of December 1837', and in section two the words 'from the said day',
XI of 1838 ..	Amecns, Bengal	Section one, and in section two the words 'And it is hereby enacted that'
XVI of 1838 ...	Bombay—Judiciary	In section one, clause one, the words 'It is hereby enacted in modification of the rules contained in Chapter VIII Regulation XVII of 1827 of the Bombay Code that' In section five, the words 'without further costs of stamps to the parties except on new exhibits if any such should be allowed to be filed' and from and including the words 'but if an appeal' to the end of the section.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XIX of 1838 ...	Bombay Coasting Vessels ...	Section one.
XXIX of 1838 ...	Salt Department, Bengal ...	Section one.
XXXII of 1838 ...	Justices of the Peace	Section two and three
VII of 1839 ...	Tahsildars, Madras	Section one.
XXIV of 1839 ...	Ganjam and Vizagapatam ...	Section one.
XVI of 18.0 ...	An Act concerning the management of convicts tranported to places within the territories of the East India Company.	Section four.
XI of 1841 ...	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	The first twenty-one words in section one Section eighteen.
XII of 1841 ...	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	Section one.
XXIX of 1841 ...	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section three down to and including the words 'are repealed and'
XVII of 1842 ...	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one, and in sections two and three the words 'and it is hereby enacted that'
XI of 1843 ...	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.
XI of 1844 ...	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XVI of 1844 ...	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five.
XVII of 1844 ...	An Act for the better control and management of gaols within the Bengal Presidency.	Section one, and in section two the words 'And it is hereby enacted that'
XX of 1844 ..	An Act to amend the law relating to advances *bona fide* made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV of 1845 ..	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	Section six.
VIII of 1846 ..	An Act for determining the duration of the existing Settlement of the North Western Provinces.	Section one so far as it relates to Hissar, Saharanpore, Moozuffernugger Meerut, Bulundshuhur Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Goruckpore and Azimgurh.
I of 1847 ...	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	In section six, the words and figures 'under Act IV of 1840.'

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
IX of 1847 ...	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.	Section eight.
XX of 1847 ...	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV of 1848 ...	An Act for regulating Coroner's Juries.	In section two, the words and figures 'according to the provisions of Act No. II of 1839.'
XVI of 1848 ...	An Act to remove certain restrictions on the salt trade.	The whole.
XVIII of 1848 ...	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
I of 1849 ...	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section one.
VI of 1849 ..	For securing Military and Naval pensions and superannuation allowances	Sections one and four
XI of 1849 ...	For securing the Abkaree revenue of Calcutta.	Section one.
IX of 1850 ..	An Act for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	Section seven. In section seventeen, the words 'by action of debt or on the case.'

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XI of 1850 ...	An Act to amend Act X, 1841 ...	Section one.
XII of 1850 ..	For avoiding loss by the default of Public Accountants.	Section six.
XIX of 1850 ...	Concerning the binding of apprentices.	Section six.
XXV of 1850 ...	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII, 1829, and Act IV, 1846.	Section one.
XXVI of 1850 ...	An Act to enable improvements to be made in towns.	Section one
XXXIII of 1850...	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections two and three.
XXXVII of 1850...	For regulating inquiries into the behaviour of public servants.	Section one.
XLIV of 1850 ...	An Act for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI of 1851 ...	Respecting certain land in Bombay called Foras Land.	The whole.
VIII of 1851 ...	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
V of 1852 ...	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section twenty-six.
XV of 1852 ...	An Act to amend the Law of Evidence.	Section fourteen.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XVI of 1852 ...	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Sections ten and twenty-seven.
XIX of 1852 ...	An Act for securing the Abkaree revenue of Madras.	Section one.
XXIII of 1852 ...	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
XXIX of 1852 ...	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
X of 1853 ...	An Act to facilitate the removal of Nuisances and Encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven, the words 'the East India Company as trustees for.'
XX of 1853 ...	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section one.
V of 1854 ...	An Act to amend Act No. V of 1838 relating to the Bengal Bonded Warehouse Association .	Section one.
VII of 1854 ...	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.	Section twenty-four.

Obsolete Enactments.

SCHEDULE.—*(continued)*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XIII of 1854 ...	An Act to repeal Act No. VI of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	Section one.
XVI of 1854 ...	An Act to amend Regulation XI of 1831 of the Bengal Code.	Section one.
XVIII of 1854 ...	An Act relating to Railways in India.	Section thirty-nine
XXIV of 1854 ...	An Act to prohibit the possession of certain offensive weapons in Malabar.	In section one, from and including the words 'and every person' to the end of the section. In section two, the words 'after such date.'
XXVII of 1854 ...	An Act to amend the law relating to the Nazim of Bengal.	Section one.
XXX of 1854 ...	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI of 1854 ...	An Act to abolish real actions and also fines and common recoveries and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II of 1855 ...	An Act for the further improvement of the Law of Evidence.	Section seventeen.

Obsolete Enactments.

SCHEDULE.—(*continued.*)

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXII of 1855 ...	An Act for the regulation of Ports and Port-dues.	Section one, and in section thirty-five, the words 'or of the Honorable East India Company.' Section-forty-three.
XXIV of 1855 ...	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the Law relating to the removal of such convicts.	Section sixteen.
XXVI of 1855 ...	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	So much of section five as relates to persons dying in the service or in the Marine service of the East India Company.
XXVIII of 1855 ...	An Act for the repeal of the Usury Laws.	Sections one, seven and eight and the Schedule.
XXXII of 1855 ...	An Act relating to embankments.	Section one.
XXXVII of 1855...	An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section six.
VIII of 1856 ...	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	Section one.
XI of 1856 ...	An Act for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty and of the East India Company in India.	In the title and the preamble the words 'and of the East India Company.'

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XII of 1865 ...	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.
XIII of 1856 ...	An Act for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from the beginning down to and including the words 'operation, and' And the schedule.
XX of 1856 ...	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal.	Section one from the beginning down to and including the words 'provided that'
XXI of 1856 ...	An Act to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal.	Sections one and eighty-nine.
III of 1857 ...	An Act relating to trespass by Cattle.	Sections one and twenty-two.
IV of 1857 ...	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay.	Section one. In section five, the words and figures 'within the meaning of Act XXV of 1836.'
X of 1857 ..	An Act to amend Act XXXVII of 1855.	Section one from the beginning down to and including the words 'this Act; and'
XIII of 1857 ...	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	Section one.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXIX of 1857 ...	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.
XXX of 1857 ...	An Act for the levy of Port-dues and fees in the Port of Calcutta	Section seven from the beginning down to and including the words 'said date'
XXXI of 1857 ...	An Act for the levy of Port-dues and fees in the Port of Bombay.	Section six from the beginning down to and including the words 'said date'
XXXIV of 1857 ...	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section one.
XXXV of 1857 ...	An Act for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong.	Section five from the beginning down to and including the words 'said date'
II of 1858 ...	An Act for the levy of Port-dues in certain ports in the Province of Cuttack.	Section five. Section six from the beginning down to and including the words 'said date'
III of 1858 ...	An Act to amend the law relating to the arrest and detention of State Prisoners.	Section one.
VIII of 1858 ...	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight from the beginning down to and including the words 'said date'

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XV of 1858 ...	An Act for the levy of Port-dues in the Port of Aden.	Section six from the beginning down to and including the words 'said date'
XXVIII of 1858	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV of 1858 ...	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL of 1858 ...	An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
I of 1859 ...	An Act for the amendment of the law relating to Merchant Seamen.	Section one.
III of 1859 ...	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven, the words 'or who shall be appointed Register of Deeds,' and the words 'and Registers of Deeds respectively,'
VIII of 1859 ...	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty-two, the words 'in any Court of Judicature established by Royal Charter, or' Section three hundred and eighty-seven.
X of 1859 ...	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XI of 1859 ...	An Act to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII of 1859 ...	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	Section one.
XIV of 1859 ...	An Act to provide for the limitation of suits.	Sections eighteen, twenty-one and twenty-three, and, in section nineteen the proviso.
XVII of 1859 ...	An Act to amend the law for the realization of revenue from Abkaree in the Island of Bombay.	Section one.
XX of 1859 ...	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George.	Section one.
XXII of 1859 ...	An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	Section one.
XXIV of 1859 ...	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Section two and three and the schedule down to and including the words 'said clause'
XXV of 1859 ...	An Act to prevent the over-crowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
II of 1860 ...	An Act to amend the law relating to the carriage of Passengers by Sea.	In Section one, the words and figures 'under Act XV of 1842,' 'under Act XXI of 1844,' 'under Act XXXI of 1855.'
VIII of 1860 ...	An Act for regulating the establishment and management of Electric Telegraphs in India.	Section one.
XXIII of 1860 ...	An Act to amend Act XXI of 1856 (to consolidate and amend the Law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one from the beginning down to and including the word 'repealed' and the schedule.
XXV of 1860 ...	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including the words 'said date'
XXVIII of 1860 ...	An Act for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary disputes in the Presidency of Fort St. George.	Sections one and thirty-three.
XXXI of 1860 ...	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one, fifty-two and fifty-five.
XLV of 1860 ...	The Indian Penal Code.	In Section five, the words 'or of the East India Company, or of any Act for the government of the Indian Navy,'

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XLVI of 1860 ...	An Act to authorize and regulate the emigration of Native labourers to the French Colonies.	Section one.
XLVIII of 1860	An Act to amend Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	Section one from the beginning down to and including the words 'repealed, and'
L of 1860 ...	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	Section one.
X of 1861 ...	An Act to repeal certain Regulations and Acts relating to the procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.
XIV of 1861 ...	An Act to remove certain tracts of country in the Rohilcund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four, the words 'shall not call for the futwah of its law Officer, and' Section seven.
XVI of 1861 ...	An Act for licensing and regulating stage carriages.	Section twenty-two.
XVII of 1861 ...	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	Section three.
XIX of 1861 ...	An Act to provide for a Government Paper Currency.	In the preamble, from and including the words 'and whereas due notice' down to and including the words 'hereinafter provided' Section one.

Obsolete Enactments.

SCHEDULE II.—(*continued*).

PART II.—ACTS.

Num and year.	Title.	Extent of repeal.
XIX of 1861,—continued ...	An Act to provide for a Government Paper Currency.	In section two, the words 'After the passing of this Act,' and the words 'except the Banks of Bengal, Madras and Bombay up to the said 1st day of March 1862, and'
XXIII of 1861 ...	An Act to amend Act VIII of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections one and forty-three.
XXV of 1861 ...	An Act for simplifying the procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five, except so far as it empowers the Governor General in Council to extend the Act.
IV of 1862 ...	An Act for regulating the Bank of Bengal.	Sections one and forty-two, and the second proviso in section eleven.
XIII of 1862 ...	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XIX of 1862 ...	An Act to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Sections seven, eleven and twelve.
XXIII of 1862 ..	An Act to amend Act XI of 1862 (to amend the duties of Customs on goods imported and exported by sea).	The whole.
I of 1863 ...	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature	Sections one and twenty-eight.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
I of 1863.—continued.	in British Burmah, and to provide for the extension of certain Acts to the said territory.	Sections one and twenty-eight.
VI of 1863 ...	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections two and two hundred and thirty.
VIII of 1863 ...	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII of 1863 ...	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation of the General Regulations.	Sections two three, four, five, six.
XV of 1863 ...	An Act to amend Act I of 1859 (for the amendment of the law relating to Merchant Seamen.)	Section one.
XIX of 1863 ...	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	Section one, and the first eight words of section two. Section fifty.
XX of 1863 ...	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV of 1863 ...	An Act to amend Act I of 1863 (to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burma, and to provide for the extension of certain Acts to the said territory).	Section four and five.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
VII of 1864 ...	An Act for regulating the importation and manufacture of alimentary salt, in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
XII of 1864 ...	An Act to give furthur effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII of 1864 ...	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII of 1864 ...	An Act to constitute an Office of Official Trustee.	Section two.
XXII of 1864 ...	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven and the schedule.
XXIV of 1864 ...	An Act relating to the Administration of certain Districts under the Government of the Lieutenant Governor of the North-Western Provinces.	Section fifteen.
XXVIIIof 1864 ..	An Act to provide for the extension of Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), to the provinces under the control of the Lieutenant Governor of the Panjab.	Section three.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XI of 1865 ...	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	Section two, from the beginning down to and including the words 'Provided that' And from and including the words 'and all suits' down to the end of the Section.
XIII of 1865 ...	An Act to amend the procedure to Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	In section nine, the words 'From and after the date on which this Act shall come into operation,' and, in sections twenty-two, twenty-three, twenty-four and forty-four, the words 'From and after the commencement of this Act,' Sections forty-five and forty-six.
XIV of 1865 ...	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.
XV of 1865 ...	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven, the words 'who may be the Registrar appointed under Act XVI of 1864 (*to* provide for the registration of assurances).' In section fifty-three the words 'shall commence and take effect on the first day of September 1865, and'

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XIX of 1865 ...	An Act to define the jurisdiction of the Courts of Judicature of the Panjab and its Dependencies.	Sections twenty-four and twenty-five.
XX of 1865 ...	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
IV of 1866 ...	An Act to amend the constitution of the Chief Court of Judicature in the Panjab and its Dependencies	Section forty-five, fifty-two and fifty-four.
V of 1866 ...	An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.	In section two, the words 'From and after the first day of May 1866,'
X of 1866 ...	The Indian Companies' Act ...	Section two hundred and nineteen, two hundred and twenty, two hundred and twenty-one and two hundred and twenty two, and the third schedule.
XI of 1866 ...	An Act to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The whole.
XIV of 1866 ..	The Indian Post Office Act, 1866.	In section one, the words 'shall come into operation on the first day of May 1866, and' Section three.
XX of 1866 ...	The Indian Registration Act, 1866.	Section three, and section ninety-eight from the beginning down to and including the word 'notwithstanding.' Section one hundred and two.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXII of 1866 ...	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts, and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In section one, the words 'From and after the passing of this Act"
XXVI of 1866 ...	An Act to legalize the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
XXVII of 1866 ...	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees, in cases to which English law is applicable.	Section one.
XII of 1867 ...	An Act to amend the law relating to the custody of prisioners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal, Madras and Bombay.	Section two and the schedule.
XVIII of 1867 ...	An Act to define the Jurisdiction of the Courts of Civil Judicature in the Jhansi Division,	Section two.
XXIV of 1867 ...	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule.
XXV of 1867 ..	An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.

Obsolete Enactments.

SCHEDULE.—*(continued).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XXXIV of 1867 ..	An Act to repeal Act No. XIX of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV of 1867 ...	An Act to provide temporary assistance to the Financial Commissioner of the Panjab.	The whole.
III of 1868 ...	An Act to authorize the Local Government of the Panjab to invest any person with the powers of an Assistant Commissioner or Tahsildar.	Section three.
VIII of 1868 ...	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.
XI of 1868 ...	An Act to exempt Timber and Woods from Import Duty.	The whole.
XIII of 1868 ...	An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.	Section one.
XVI of 1868 ...	An Act to consolidate and amend the law relating to Principal Sadr Amins, Sadr Amins and Munsifs in Bengal, and for other purposes.	Section one and the schedule.
XVII of 1868 ...	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII of 1868 ...	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX of 1868 ...	An Act to consolidate and amend the law relating to rent in Oudh.	Section two.

Obsolete Enactments.

SCHEDULE.—(*continued*).

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
XX of 1868 ...	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XXIII of 1868 ...	An Act to give validity to certain Abkari Rules in British Burmah.	In the preamble, the words 'and to indemnify all officers, farmers and other persons who have acted under them, or under any such rules previously published or enforced under the same authority' And section two.
XXV of 1868 ..	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.
XXVIII of 1868	An Act to define and amend the law relating to the tenancy of land in the Panjab.	Section four.
II of 1869 ..	An Act for the appointment of Justices of the Peace.	Section two and the schedule.
III of 1869 ...	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
V of 1869 ...	The Indian Articles of War ...	Part I, clause (*c*), paragraphs one, two and three.
VI of 1869 ..	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
VII of 1869 ...	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble, the words 'and to indemnify the officers and other persons who have acted under them'. Section two.

Obsolete Enactments.

SCHEDULE.—*(concluded).*

PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
VIII of 1869 ...	An Act further to amend the Code of Criminal Procedure.	Section two, paragraph one.
XI of 1869 ...	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidences of Fort St. George and Bombay.	Section two.
XIV of 1869 ...	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section two and the schedule.
XVIII of 1869 ...	An Act for imposing Stamp Duties on certain Instruments.	Section two and the third schedule.
XX of 1869 ...	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII of 1868 ...	An Act to remove the Garo Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
XXIV of 1869 ...	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.	Section one.
VII of 1870 ...	The Court Fees Act. ...	Section two and the third schedule.

ACT XV of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL,
(*Received the assent of the Governor General on the 5th April* 1870).

An Act for the further amendment of Act No. XIX of 1861.

Preamble. FOR the purpose of further amending Act No. XIX of 1861 (*to provide for a Government Paper Currency*); it is hereby enacted as follows :—

Amendment of Act No. XIX of 1861, section 4. 1. In section four of the said Act, the words 'who may be the Master of the Mint at Calcutta' and the words 'who may be the Master of the Mint at Madras and the Master of the Mint at Bombay' shall be repealed.

Amendment of section 10. 2. Section ten of the said Act shall be read as if, for the words 'four crores,' the words 'six crores' were substituted.

ACT XVI of 1870.

THE INDIAN INCOME TAX ACT.

Repealed.

ACT XVII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(*Received the assent of the Governor General on the 5th April* 1870).

An Act to amend the Law relating to Customs Duties.

Preamble. WHEREAS it is expedient to amend the Law relating to the duties of Customs on goods imported and exported by sea; It it hereby enacted as follows :—

Short title.

1. This Act may be called "The Indian Customs Duties' Act, 1870.

Repeal of Act.

2. Act No. XVII of 1867 (*to amend the Law relating to Customs Duties*) and Act No. XII of 1869 (*to amend the Law relating to Customs Duties*) are hereby repealed.

Duties specified in schedules to be levied.

3. There shall be levied and collected, in every port in British India, the duties specified in the two schedules annexed to this Act; and all articles, other than those specified in the said schedules respectively, shall be duty free: provided that nothing herein contained shall be taken to affect Act No. XX of 1867 (*to authorize the trans-shipment, without payment of duty, of goods imported into Calcutta, Madras and Bombay by Steamers*), or Act No. II of 1868 (*to alter the rate of duty leviable on paper exported from Cochin*), or to alter the existing duties upon Salt and Opium.

Construction of Section 27 of Consolidated Customs Act.

4. Section twenty-seven of the Consolidated Customs Act shall be construed as if, for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words were substituted, (that is to say), "for which a specific value is not fixed by the Indian Customs Duties' Act, 1870;" but, save as aforesaid, nothing herein contained shall be construed to affect the provisions of the Consolidated Customs Act.

Power to fix value of dutiable goods.

5. The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed.

Customs Duties.

SCHEDULE A.

IMPORT TARIFF.

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
		Rs. As.	
1	APPAREL, INCLUDING HABERDASHERY, MILLINERY, &c. ..	Ad valorem.	Seven and a half per cent.
2	ARMS AMMUNITION AND MILITARY STORES—		Seven and a half per cen ., except as regards Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service, which are free.
	Gunpowder, common ..	0 5 per lb.	
	„ sporting ..	1 0 „	
	Fire-arms and parts of ... ditto.	Ad valorem.	
	All other sorts, including Military Accoutrements, Uniforms, &c. ..	Ad valorem.	
3	BEADS AND FALSE PEARLS—		Seven and a half per cent.
	Beads—China ..	30 0 per cwt.	
	„ Common ...	28 0 „	
	„ Ruby of all sizes ..	0 12 per lb.	
	„ Seed ...	0 10 „	
	„ Small, Scarlet and Red.	0 10 „	
	„ Coral (false) Moorzun ...	0 8 per corge of 2,000 beads.	
	All other sorts of false Corals and Beads ...	Ad valorem.	
	Pearls, false Bajeria ...	5 0 per lakh.	
	„ Boria ...	1 0 per thousand	
	„ Jouria ..	8 0 per lakh.	
	„ Nathia ...	0 0 per thousand.	
	„ Tachea ...	0 12 „ „	
	„ Wattanah ...	10 0 per lakh.	
	All other sorts ...	Ad valorem.	
4	CABINET-WARE ...	Ad valorem.	
5	CANDLES, WAX, COMPOSITION AND OTHER KINDS—		
	Candles, Wax ...	1 0 per lb.	
	„ Paraffine ...	3 0 „	
	„ Spermaceti ...	0 8 „	
	„ Composition and other sorts ...	0 5 „	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF.—*continued.*

No.	Description of Articles.	Value of which Duty is assessed.	Rate of Duty
		Rs. As.	
6	Carriages ...	Ad valorem.	Seven and a half per cent.
7	Clocks, Watches and other Time-keepers ...	Ad valorem	
8	Coffee—		
	Persian Gulf and Red Sea...	30 0 per cwt.	
	Other places ...	20 0 „	
9	Corals, real ...	Ad valorem.	
10	Corks ..	1 8 per Gross,	
11	Cotton—		
	Thread—		
	Sewing Thread, White and Coloured ...	0 11 per lb.	
	„ In reels, or on cards of one hundred yards (*pro rata* above and below)* ...	2 4 per gross reel.	
	Goa and Country	30 0 per cwt.	
	Twist—		Three and half per cent
	Mule, under No. 15 ...	0 6 per lb.	
	Nos. 16 to 24...	0 9 „	
	25 to 32 ...	0 10 „	
	33 to 42 ...	0 11 „	
	43 to 52 ...	0 12 „	
	53 to 60 ..	0 14 „	
	No. 70 ...	0 15 „	
	80 ...	1 0 „	
	90 ...	1 1 „	
	100 ...	1 2 „	
	110 ...	1 3 „	
	120 ...	1 4 „	
	and one anna additional for every count of ten above No. 120.		

Exceeding this length to be charged in proportion.

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	DESCRIPTION OF ARTICLES.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
		Rs. As.	
	COTTON—continued.		
	Twist—continued.		
	Water, No. 20 ...	0 10 per lb.	Three and a half per cent.
	30 ...	0 11 „	
	40 ...	0 13 „	
	50 ...	0 15 „	
	Above 50 ..	1 2 „	
	Turkey Red Twist, all kinds† ..	1 6 per lb.	† Duty to be charged on the Grey weight of the Coloured Yarn; when not ascertainable, the actual Wharf weight or Invoice weight to be taken.
	Twist, Orange, Red and other Colours† ...	0 15 „	
	Piece Goods—		
	Grey—		
	Mulls ...	1 1 per lb.	Five per cent.
	Jaconets exceeding 10 by 10 to the quarter inch...	0 13 „	
	Other Jaconets ...	0 11 „	
	Shirtings, Madapollams and Prints ...	0 11 per lb.	
	Long Cloths Jeans Domestics, Sheetings, Drills and T. Cloth ...	0 9 „	
	Other sorts ...	Ad valorem.	
	Cotton Rope ...	25 0 per cwt.	Seven and a half per cent.
	Cotton Goods, other kinds ...	Ad valorem.	
12	DRUGS AND MEDICINES—		
	Acid, Sulphuric ...	0 3 per lb.	
	Alkali, Country (Sajee Khar)	2 0 per cwt.	
	Aloes, black ...	10 0 „	
	„ Socotra ...	25 0 „	
	Alum ...	3 8 „	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. As.	
	Arsenic ...	25 0 per cent.	
	„ China, Munseal ...	8 0 „	
	Assafœtida (Hing) ...	55 0 „	
	„ Coarse (Hingra) ...	10 0 „	
	Brimstone, Flour ...	7 0 „	
	„ Roll ...	6 0 „	
	„ Rough ...	4 8 „	
	Camphor, Bhimsing (Barras)	50 0 per lb.	
	„ Refined cake ...	65 0 per cwt.	
	„ Crude in powder	50 0 „	
	Cassia Lignea ..	38 0 „	
	Coova, red ...	Ad valorem.	
	Copperas, green ...	2 8 per cwt.	
	Quinine ...	Ad valorem.	
	Sal Ammoniac ...	22 0 per cwt.	
	Salep ...	60 0 „	
	Senna Leaves ..	6 0 „	
	All other sorts ...	Ad valorem.	
13	Dyeing and Colouring Materials—		Seven and a half per cent.
	Cochineal ..	1 12 per lb.	
	Gallnuts, Country, Myrabolam ...	3 0 per cwt.	
	„ Persian ...	35 0 „	
	Gamboge Wood ...	20 0 „	
	Madder or Munjeet ...	10 0 „	
	Orchilla Weed ...	8 0 „	
	Saffron, Europe ...	16 0 per lb.	
	Saffron Meadow, Soorunjun ...	10 0 per cwt.	
	„ Persian ...	12 0 per lb.	
	„ In cakes or lumps ...	5 0 „	
	Sapan Wood and Root ...	3 8 per cwt.	
	Aniline Dyes ...	0 8 per oz.	
	All other sorts ...	Ad valorem.	
14	Fire Works—		
	China ...	30 0 per box of 133½ lbs.	
	Other sorts ...	Ad valorem.	
15	Flax, Manufactures of—		
	Piece Goods ...	Ad valorem.	Five per cent.

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
	FLAX MANUFACTURES OF—continued.	Rs. As.	
	Other sorts, including linen thread ...	Ad valorem.	
16	FRUITS AND VEGETABLES—		
	Almonds, without shell ...	25 0 per cwt.	
	,, with shell ...	10 0 ,,	
	Cajoo kernels ...	10 0 ,,	
	Cocoanuts ..	30 0 per thousand.	
	,, kernels (Copra)...	9 8 per cwt.	
	Currants, Europe ...	35 0 ,,	
	,, Persian ...	12 0 ,,	
	Dates, dry, in bags ..	4 0 ,,	
	,, wet in bags ...	3 0 ,,	
	,, ,, in pots ...	6 0 ,,	
	Figs, Europe ...	42 0 ,,	
	,, Persian dried ...	6 0 ,,	
	Garlic ...	4 0 ,,	
	Pistachio Nuts ...	14 0 ,,	
	Prunes, Bussorah ...	12 0 ,,	
	Raisins, Black, Persian Gulf, Red Sea, and Khismis ...	12 0 ,,	Seven and a half per cent.
	,, Monocka, Persian Gulf and Red Sea ...	7 0 ,,	
	,, Malaga and Bloom	0 10 per lb.	
	,, Other sorts ..	Ad valorem.	
	Walnuts, Akroot ..	5 0 per cwt.	
	Mangoes, dried ...	Ad valorem.	
	Prunes, Europe ...	Ad valorem.	
	Other sorts, except Bidmiskh and Buzarbuttoo Nuts which are free ...	Ad valorem.	
17	GLASS AND GLASS-WARE—		
	Bangles, Glass, China, Gilt	10 0 per 100 pairs.	
	,, ,, not Gilt ..	5 0 ,,	
	Glass, Broken ...	5 0 per cwt.	
	,, China, of all colours ...	32 0 per 133½ lbs.	
	,, Crown coloured	32 0 per 100 supl. feet.	
	,, ,, of sizes	5 0 per 100 supl. feet.	
	Glass and Glass-ware of all other sorts, except Bottles, which are free...	Ad valorem.	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed	Rate of Duty.
		Rs. As.	
18	Gums—		
	Gum, Ammoniac ...	10 0 per cwt.	Seven and a half per cent.
	„ Arabic ...	16 0 „	
	„ Bdellium, common Gum ...	5 0 „	
	„ Benjamin ...	33 0 „	
	„ Bysabole, coarse Myrrh ...	12 0 „	
	„ Copal ...	65 0 „	
	„ Frankincense or Olebanum ...	9 0 „	
	„ Gambier (or Kino) ...	8 0 „	
	„ Myrrh ...	24 0 „	
	„ Persian (false) ...	3 0 „	
	„ Rosin ...	12 0 „	
	All other sorts ...	Ad valorem.	
19	Groceries not otherwise described ...	Ad valorem.	
20	Hides and Skins—		
	Border Hides, prepared ...	30 0 each.	
	Buffalo Hides, Country Tanned ...	80 0 per score.	
	Calf Skins ...	40 0 per dozen.	
	Chamois Skins ...	6 0 „	
	Cow Hides, Country, Tanned	60 0 per score.	
	Rhinoceros Leather ...	40 0 per cwt.	
	Other sorts ...	Ad valorem.	
21	Instruments, Musical ...	Ad valorem.	
22	Ivory and Ivory-ware—		
	Elephants' Grinders ...	16 0 per cwt.	
	Tusks above twenty lbs. ..	300 0 „	
	Tusks ten lbs. and not exceeding twenty lbs. ...	225 0 „	
	Tusks under ten lbs. ...	125 0 „	
	Sea Cow or Moye Teeth, three lbs. and upwards ...	225 0 „	
	Sea Cow or Moye Teeth, under three lbs.	75 0 „	
	Ivory, Manufactures of ...	Ad valorem.	
23	Jewellery, including Plate—		
	Silver-ware plain ..	1 6 per tolah.	
	„ embossed ...	2 0 „	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
	JEWELLERY INCLUDING PLATE —continued.		
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are free ...	Ad valorem.	Seven and a half per cent.
24	LEATHER AND MANUFACTURES OF—		
	Leather ..	Ad valorem.	
	Boots and Shoes		
	Harness and Saddlery		
	Other sorts ...		
25	LIQUOR—		
	Ale, Beer and Porter		One anna per Imperial Gallon.
	Cider and other fermented Liquors ...		
	Spirits		Three Rupees the Imperial Gallon, and the duty to be rateably increased as the strength exceeds London proof. Provided that ten per cent *ad valorem* shall be charged on all spirits used exclusively in Arts & Manufactures, or in Chemistry, subject to such Rules as the Local Governments shall from time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage and incapable of being converted to that purpose. And the officer in charge of the Custom House, subject to the general instructions of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	Liquor,—continued.	Rs. As.	
	Wines—		
	Champagnes, Sparkling Wines and Liqueurs ...		1-8 per Imp. Gal. or 6 Qr. Bottles.
	All other sorts ...		1-0 per ditto.
26	Matches—		
	Lucifer and all other sorts..	Ad valorem.	
27	Mats, Floor Matting, China of all sorts ...	50 0 per hundred.	
28	Metals, Unwrought, wrought and Manufactures of—		
	Brass Beads, Googree, China	0 12 per thousand.	
	,, Old ...	35 0 per cwt.	
	,, Sheets, rolls very thin	80 0 ,,	
	Copper, Australian Cake ...	41 0 ,,	
	,, Bolt ...	43 0 ,,	
	,, Brazier's ..	43 0 ,,	
	,, China Cash ...	28 0 ,,	
	,, Japan ...	41 0 ,,	Seven and a half per cent.
	,, Nail and Composition Nails ...	43 0 ,,	
	,, Old ..	40 0 ,,	
	,, Pigs and Slabs, Foreign ...	38 0 ,,	
	,, Sheet, Sheathing and Plate ...	43 0 ,,	
	,, Tiles, Ingots, Cakes and Bricks ...	40 0 ,,	
	,, China White Copperware ...	1 4 per lb.	
	Copper, Foil Dauk-pana, China ...	3 0 per book of 100 leaves.	
	,, ,, ,, Europe	4 0 ,,	
	All other kinds ...	Ad valorem.	
	Iron, Angle and T Iron ...	Ad valorem.	
	,, Beams, Pillars, Girders and Bridge-work	Ad valorem.	
	,, Flat Square and Bolt, including Scotch ...	80 0 per ton.	One per cent.
	,, Hoop, Plate and Sheet ...	100 0 ,,	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
	METALS, &c.,—continued.	Rs. As.	
	Iron Nails, Rivets and Washers ...	10 0 per cwt.	
	„ Nail Rod ...	90 0 per ton.	
	„ Old ...	2 8 per cwt.	
	„ Pig ...	40 0 per ton.	
	„ Rod, Round, British, under half inch diameter ...	105 0 „	
	„ Rod, Round, British, exceeding half inch diameter ...	80 0 „	One per cent.
	„ Swedish, Flat and Square ...	120 0 „	
	„ Rice Bowls ...	3 0 per set of ten.	
	„ „ „ ...	1 8 per set of six.	
	„ Galvanised ...	Ad valorem.	
	„ Other sorts, except Anchors, Cables and Kentledge, which are free ...	Ad valorem.	
	Lametta, Double reels ...	4 8 per score.	
	„ Single „ ..	2 4 „	
	Lead, Pig ...	10 0 per cwt.	
	„ Pipes ...	13 8 „	
	„ „ tinned ...	16 0 „	
	„ Sheets (other than thin Sheets for Tea Canisters which are free) ...	12 0 „	
	Ore Galena ...	13 0 „	
	Gold leaf, Europe ...	4 0 per 100 leaves.	
	Mock Gold leaf ...	5 0 per 20 books.	Seven and a half per cent.
	Orsidue or Brass Leaves, foreign Europe ...	1 4 per lb.	
	„ China ...	0 12 „	
	Patent or Yellow Metals, Sheathing and Sheets and Bolts ...	35 0 per cwt.	
	„ ditto old ...	30 0 „	
	Quicksilver ..	1 0 per lb.	
	Shot, Bird ...	15 0 per cwt.	
	Spelter Nails ...	17 8 „	
	„ Plate and other shapes	11 0 „	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	METALS, &c.—*continued*	Rs. As.	
	Spelter Sheet or Zinc Sheathing ...	15 0 per cent.	Seven and a half per cent.
	Steel, blistered ...	9 0 „	
	„ British ...	9 0 „	
	Steel, Cast ...	25 0 „	
	„ Spring ...	10 0 „	
	„ Swedish ...	10 0 „	
	Tin, Block ..	45 0 „	
	„ Plates ...	12 8 „	
	Wire, Brass ...	0 8 per lb.	
	„ Common Iron, Nos. 1 to 40 ...	9 8 per cwt.	
	„ Copper ...	0 10 per lb.	
	Other sorts, including Hardware, Ironmongery, and Cutlery, but excluding Machinery, the component parts thereof, and Agricultural Implements, which are free. ...	Ad valorem.	
29	NAVAL STORES—		
	Cables, Coir, tarred ...	10 0 per cwt.	
	Canvas, Country, Cotton. ...	50 0 „	Five per cent.
	„ Europe, sail, not exceeding forty yards...	15 0 per bolt.	
	Coir Rope, Maldive & Laccadive	10 0 per cwt.	Seven and a half per cent.
	Coir Yarn of all kind ..	9 0 „	
	Cordage, Hemp, Europe ...	18 0 „	
	„ Manilla ..	20 0 „	
	Dammer „ ...	5	
	Pitch, American and Europe	13 0 per barrel not exceeding three cwt. and *pro rata* above and below	
	„ Coal ...	4 8 per barrel not exceeding three cwt. and *pro rata* above and below	
	Tar, American ...	13 0 Do. ditto.	
	„ Coal ...	6 8 Do. ditto.	
	„ Swedish and Archangel	14 0 Do. ditto.	
	Twine, Europe, Sail	0 8 per lb.	
	All other sorts, except Oakum, which is free ...	Ad valorem.	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
		Rs. As.	
	OILS—		
	Cardamom ...	10 0 per lb.	
	Cassia ...	4 0 „	
	Cinnamon, Ceylon ..	10 0 „	
	Cocoanut ..	20 0 per cwt.	
	Earth ...	10 0 „	
	Grass ...	2 0 per lb.	
	Jingelee or Teel ..	20 0 per cwt.	
	Kerosine, Paraffine, Petroleum, Rock and Shale Oils of all descriptions ..	1 12 per Impl. gal.	
	Linseed, Country	18 0 per cwt.	Seven and half per cent.
	„ Europe ...	2 4 per Impl. gal.	
	Naphtha ...	30 0 per cwt.	
	Otto, of sorts ...	20 0 per ounce.	
	Sandalwood ...	8 0 per lb.	
	Sorrel ...	20 0 per cwt.	
	Turpentine ...	2 0 per Impl. gal.	
	Whale and Fish ...	15 0 per cwt.	
	Wood ...	15 0 „	
	All other sorts, except Cocum and Slush Fat, which are free. ...	Ad valorem.	
31	OIL AND FLOOR CLOTH ...	Ad valorem.	Five per cent.
32	PAINTS, COLOURS AND PAINTER'S MATERIALS—		
	Ochre, all Colours ...	3 0 per cwt.	
	Paint of sorts ...	12 0 „	
	Composition Paint and Patent Driers ...	30 0 „	
	Prussian Blue, China ...	0 8 per lb.	
	„ „ Europe ...	1 8 „	
	Red Lead ..	14 0 per cwt.	Seven and a half per cent.
	Turpentine ...	2 0 per Impl. gal.	
	Verdigris ...	75 0 per cwt.	
	Vermillion, Canton ...	80 0 per box of	
	Macao ...	30 0 90 bundles	
	White Lead ...	12 0 per cwt.	
	All other sorts, including Brushes.	Ad valorem.	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF.—*continued.*

No.	Description of Article.	Value of which Duty is assessed.	Rate of Duty
		Rs. As.	
33	Perfumery—		Seven and a half per cent.
	Atary, Persian ...	15 0 per cwt.	
	Rose flowers, dried ...	10 0 ,,	
	Rose water ...	1 12 per Impl. gal.	
	All other sorts ...	Ad valorem.	
34	Photographic Apparatus and materials ...	Ad valorem.	
35	Piece Goods not otherwise described ...	Ad valorem.	Five per cent.
36	Porcelain and Earthen-ware	Ad valorem.	Seven and a half per cent.
37	Provisions and Oilman's Stores—		
	Bacon in Canisters, Jowls and Cheeks ...	0 9 per lb.	
	Beef ...	60 0 per tierce of three cwt 40 0 per brl. of two cwt.	
	Cheese ...	0 10 per lb.	
	Fish Maws ...	50 0 per cwt.	
	Fish Sozille and Singally, small ..	6 0 per cwt.	
	Flour ...	25 0 per barrel or sack of 200 lb.	
	Ghee ...	36 0 per cwt.	
	Hams ...	0 8 per lb.	
	Pork ...	50 0 per tierce of three cwt., & 34 0 per barrel of two cwt.	
	Shark fins ...	20 0 per cwt.	
	Tongues, salted ...	10 0 per keg of six.	
	Vinegar in wood, Europe ...	1 8 per Impl. gal.	
	,, ,, Persian ...	0 12 per Impl. gal.	
	,, ,, Country ...	0 6 per Impl. gal.	
	All other sorts, except Biche de mer, Butter and salted Fish, which are free ..	Ad valorem.	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
		Rs. As.	
38	RAILWAY MATERIALS—		
	Of Iron ...	Ad valorem.	One per cent.
	Steel rails ...	Ad valorem.	
	Other sorts ..	Ad valorem.	Seven and a half per cent
39	RATTANS AND CANES—		
	Canes, Malacca ..	1 0 per dozen.	
	Rattans ...	7 0 per cwt.	
	All other sorts ...	Ad valorem.	
40	SEEDS—		
	Anchuchuck ...	10 0 per cwt.	
	Anise, Europe ...	28 0 ,,	
	Assalia ...	7 0 ,,	
	Cajoo ...	3 0 ,,	
	Castor ...	4 8 ,,	
	Cummin ...	12 0 ,,	
	,, Black ...	5 0 ,,	
	Esubgool ...	5 0 ,,	
	Linseed ...	5 0 ,,	
	Methee ...	5 0 ,,	
	Mustard ...	4 8 ,,	
	Quince seed or Badana ...	50 0 ,,	
	Rape or Sursee ...	4 8 ,,	
	Sawjeerah ...	25 0 ,,	
	Tookmeria ...	7 0 ,,	
	All other sorts, excepting Seeds imported by any Public Society for gratuitous distribution, which are free ...	Ad valorem.	Seven and a half per cent.
41	SHELLS—		
	Chanks, "large shells," for Cameos ...	10 0 per hundred	
	,, White live ...	6 0 ,,	
	,, ,, dead ...	3 0 ,,	
	Cowdas, Mozambique and Zanzibar ...	3 0 ,,	
	,, from other places...	0 8 ,,	
	Cowries— ...		
	Bazar common ...	4 0 per cwt.	
	Maldive ...	16 0 ,,	
	Sunkley ...	40 0 ,,	
	Yellow, superior quality	8 0 ,,	
	Mother o'Pearl ..	8 0 ,,	
	Tortoise Shell ...	6 0 per lb.	
	,, Nuck ...	1 0 ,,	
	Nuckla and other sorts ..	Ad valorem.	

Customs Duties.

SCHEDULE A.

IMPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. As.	
42	Silk—		
	Floss ...	8 0 per lb.	Seven and a half per cent.
	Raw, Charon & Cochin China	4 0 „	
	„ Mathow ...	1 12 „	
	„ other kinds of China	7 0 „	
	„ Persian ...	5 0 „	
	„ Punjum and Cutchra	1 12 „	
	„ Siam ...	4 0 „	
	Sewing Thread, China ...	8 0 „	
	Other sorts ...	Ad valorem.	
	Silk Piece Goods of sorts ...	Ad valorem.	Five per cent.
43	Soap ...	Ad valorem.	Seven and a half per cent.
44	Spices—		
	Aloe Wood ...	3 0 per lb.	
	Aniseed Star ...	40 0 per cwt.	
	Betelnut, white, Shoverdhun	18 0 „	
	„ all other kinds ...	7 0 „	
	„ in husk ...	2 0 per thousand.	
	Cassia Buds, Nagkessur, China ...	0 8 per lb.	
	Chillies, dried ..	8 0 per cwt.	
	Cloves ...	12 0 „	
	„ in seeds, Nurlavung	8 0 „	
	Mace ...	0 9 per lb.	
	„ false ...	10 0 per cwt.	
	Nutmegs ...	0 10 per lb.	
	„ in shell ...	0 6 „	
	„ wild ...	12 0 per cwt.	
	Peper, black and long ...	14 0 „	
	„ white ...	25 0 „	
	All other kinds ...	Ad valorem.	
45	Stationery other than Paper	Ad valorem.	
46	Sugar and Sugar Candy—		
	Sugar-Candy, China ...	20 0 per cwt.	
	„ Loaf ..	23 0 „	
	„ Soft ...	12 0 „	

Custom Duties.

SCHEDULE A.

IMPORT TARIFF—*concluded.*

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED.	RATE OF DUTY.
	SUGAR AND SUGAR-CANDY—continued.	Rs. As.	
	All other sorts of Saccharine produce ...	Ad valorem.	
47	TEA ...	1 0 per lb.	Seven and a half per cent.
48	TIMBER AND WOODS—		Seven and a half per cent.
	Manufactures of, including also Pipes, Staves and Casks ...	Ad valorem.	Seven and a half per cent.
49	TOBACCO—		
	Manufactured ...	Ad valorem.	Ten per cent.
	Unmanufactured ..	Ad valorem.	Ten per cent.
	Articles, such as pipes, &c., used in consumption of ...	Ad valorem.	
50	TOYS AND REQUISITES FOR ALL GAMES ...	Ad valorem.	Seven and a half per cent.
51	UMBRELLAS—		Seven and a half per cent.
	Cotton, Steel Ribs ...	0 13 each.	Seven and a half per cent.
	„ Cane Ribs ...	0 11 „	Seven and a half per cent.
	„ China Paper Kettisals	45 0 per box of 100.	Seven and a half per cent.
52	All other sorts ...	Ad valorem.	Seven and a half per cent.
	WOOLLEN GOODS—		
	Piece Goods ...	Ad valorem.	Five per cent.
	Braid ...	Ad valorem.	Seven and a half per cent.
	Other sorts ...	Ad valorem.	Seven and a half per cent.

Customs Duties.

SCHEDULE B.

EXPORT TARIFF.

No.	Description of Article.	Value on which Duty is assessed	Rate of Duty.
1	Indigo	Rs. As.	Three rupees per maund.
2	Grain of all sorts ...		Three annas per maund.
3	Lac—		
	Button ...	28 0 per cwt.	Four per cent.
	Dye ...	45 0 „	
	Seed ...	20 0 „	
	Shell ...	28 0 „	
	Stick ...	16 0 „	
	Other sorts ...	Ad valorem.	
4	Oils—		Three per cent.
	Castor ...	16 0 per cwt.	
	Cocoanut ...	20 0 „	
	Fish ...	15 0 „	
	Grass ...	2 0 per lb.	
	Jingeely or Teel ...	20 0 per cwt.	
	Linseed ...	18 0 „	
	Mhowa ...	12 0 „	
	Mustard ...	16 0 „	
	Poppy ...	20 0 „	
	Rape or Sursee ...	16 0 „	
	Sandalwood ...	8 0 per lb.	
	Other sorts ...	Ad valorem.	
5	Seeds—		
	Castor Seed (Erundee) ...	4 8 per cwt.	
	Coriander Seed ..	4 0 „	
	Cummin Seed ...	12 0 „	
	„ Black (Caleejeera).	5 0 „	
	Gound Nuts, with shell ...	5 0 „	
	„ without shell...	6 0 „	
	Jingeely or Teel Seed ...	6 0 „	
	Linseed ...	5 0 „	
	Methee Seed ...	5 8 „	
	Mustard Seed ...	4 8 „	
	Poppy Seed ...	5 8 „	
	Rape or Sursee Seed ...	4 8 „	
	Other sorts ...	Ad valorem.	
6	Cotton Goods—		
	Piece Goods—		
	Baftahs ...	30 0 per score.	
	Gurrah ...	20 0 „	
	Khurwah ...	25 0 „	
	Mamoodie ...	32 0 „	

Customs Duties.

SCHEDULE B.

EXPORT TARIFF—*concluded.*

No.	DESCRIPTION OF ARTICLE.	VALUE ON WHICH DUTY IS ASSESSED	RATE OF DUTY.
		Rs. A.	
	COTTON GOODS—*continued.*		
	Piece Goods—*continued.*		
	Mirzapore Chintz ...	15 0 per score.	
	Patna ...	30 0 „	
	Shans ...	40 0 „	
	Tunjeeb, Oudh ...	26 0 „	
	Other sorts ...	Ad valorem.	
	Twist, Country, No. 10 ...	0 7 per lb.	
	„ „ No. 20 ...	0 9 „	
	„ „ No. 30 ...	0 10 „	
	„ Hand Spun ...	0 5 „	
	All other kinds of Cotton Goods	Ad valorem.	
7	HIDES AND SKINS TANNED—		
	Hides—		
	Buffaloe, Country, tanned...	70 0 per score.	Three per cent.
	Cow „ ..	50 0 „	
	Skins		
	Goat and Sheep ...	10 0 „	
	Lamb ...	5 0 „	
	Any other sorts of Hides and Skins ...	Ad valorem.	
8	SPICES—		
	Aloe Wood ...	3 0 per lb.	
	Betelnut in husk ...	2 0 per 1,000.	
	Cardamoms ...	200 0 per cwt.	
	„ large bastard ...	40 0 „	
	Cillies, dried ...	8 0 „	
	Ginger, dry (rough) Malaba	10 0 „	
	„ „ „ Bengal	7 0 „	
	„ (scarped) ...	5 0 „	
	Pepper ...	15 0 „	
	Turmeric ...	5 0 „	
	All other sorts ...	Ad valorem.	

ACT XVIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 5th July* 1870).

An Act to enable the Government of India to exempt goods from Customs duties.

Preamble. FOR the purpose of enabling the Governor General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows:—

Power to exempt from customs duties. 1. The said Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of duties of customs to which they are liable under the Indian Customs Duties' Act, 1870, or any other law for the time being in force relating to such duties, and may, by like notification, cancel any such exemption.

Power to cancel exemption.

ACT XIX of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 5th July* 1870).

An Act to enable the Directors of the Bank of Bengal to act by a quorum.

Preamble. WHEREAS section thirteen of the Act for regulating the Bank of Bengal (No. IV of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorize such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows:—

Amendment of Act IV of 1862, section 13. 1. The said section shall be construed as if, after the words "nine Directors," the words "of whom three shall be a quorum and" were inserted.

Validation of acts of Directors. 2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

ACT XX of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 5th July* 1870).

An Act to correct two clerical errors in the Court Fees' Act, 1870.

Preamble. FOR the purpose of correcting two clerical errors in the Court Fees' Act, 1870; It is hereby enacted as follows —

Corrections of Act VII of 1870, section 15, and Schedule I, No. 2.

1. Section fifteen of the said Act shall be read as if, for the words "plaint or memorandum of appeal," the word "application" were substituted; and in Schedule I to the said Act annexed, Number two shall be read as if the words "or memorandum of appeal" were omitted therefrom.

ACT XXI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 19th July* 1870).

An Act to regulate the Wills of Hindus, Jainas, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.

Preamble. WHEREAS it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the territories subject to the Lieutenant Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows :—

Short title. 1. This Act may be called "The Hindú Wills' Act, 1870."

Certain portions of Succession Act extended to wills of Hindus, Jainas, Sikhs and Buddhists.

2. The following portions of the Indian Succession Act, 1865, namely,—sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (both inclusive); sections eighty-two, eighty-three, eighty-five, eighty-eight to one hundred and three (both inclusive); sections one hundred and six to one hundred and seventy-seven (both inclusive); ~~sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive); sections~~

~~one hundred and ninety-one to one hundred and ninety-nine (both inclusive); so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed; and Parts XXXIII to XL (both inclusive)~~, so far as they relate to an executor and an administrator with the will annexed, shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply—(*a*) to all wills and codicils made by any Hindù, Jaina, Sikh or Buddhist, on or after the first day of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and (*b*) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits.

Extent of Act.

3. Provided that marriage shall not revoke any such will or codicil: And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance of which, but for section two of this Act, he could not deprive them by will: And ~~that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*~~: And that nothing herein contained shall affect any law of adoption or intestate succession: And that nothing herein contained shall authorise any Hindù Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

Proviso.

4. On and from that day, section two of Bengal Regulation V of 1799 shall be repealed so far as relates to the executors of persons who are not Muhammadans, but are subject to the jurisdiction of a District Court in the territories subject to the Lieutenant Governor of Bengal.

Partial repeal of Bengal Regulation V of 1799, section 2.

Saving of rights of Administrator General.

5. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, and Madras and Bombay, respectively.

Interpretation-clause.

6. In this Act and in the said sections and parts of the Indian Succession Act, all words defined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as the said section three has attached to such words respectively : and in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three ~~and one hundred and eighty-two~~ of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child" and "children" shall be deemed to include an adopted child; and the words "grand-children" shall be deemed to include the children, whether the adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son : And in making grants under this Act, of letters of administration with the will annexed, or with a copy of the will annexed section one hundred and ninety-five of the said Succession Act shall be construed as if the words "and in case the Hindú Wills' Act had not been passed" were added thereto; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindù Wills' Act had not been passed" were inserted; ~~and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills' Act had not been passed" were added thereto, respectively.~~

ACT XXII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 30th August 1870).

An Act to confirm certain laws affecting European British Subjects.

Preamble.

WHEREAS the Governors of the Presidencies of Fort St. George and Bombay in Council, and

the Lieutenant-Governor of Bengal in Council, have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts, it is hereby enacted as follows:—

Confirmation of local Acts so far as regards European British subjects.

2. Every such Act passed by the Governor of the Presidency of Madras in Council, or by the Governor of the Presidency of Bombay in Council, or by the Lieutenant-Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Acts conferring summary jurisdiction over offences to apply to European British subjects.

2. Unless there be something repugnant in the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

Amendment of Act No. XVIII of 1859 sections 1, 2 and 4.

3. Act No. XVIII of 1859 (*to amend the law relating to offences declared to be punishable on conviction before a Magistrate*) shall be construed as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

Saving of limits of Magistrates' ordinary jurisdiction.

4. Nothing in this Act shall be taken to authorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

Indemnity-clause.

5. All Magistrates and other persons are hereby indemnified for anything done before the passing of the Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

ACT XXIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th September 1870).

THE INDIAN COINAGE ACT, 1870.

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An Act to consolidate and amend the law relating to Coinage and the Mint.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Coinage and the Mint; It is hereby enacted as follows :—

I.—Preliminary.

Short title.

1. This Act may be called "The Indian Coinage Act, 1870."

Repeal of enactment.

2. The Regulations and Act mentioned in the schedule hereto annexed are repealed.

Interpretation clause.

3. In this Act, the expression 'Mint' includes the Mint at Calcutta, at Bombay and at such other places (if any) as the Governor General in Council, by notification in the *Gazette of India*, from time to time directs; the expression 'Mint-rules' means such rules as the Governor General in Council from time to time prescribes for the management of the Mint; and the expression 'remedy' means variation from the standard weight and fineness.

II.—Gold Coinage.

Gold Coins.

4. The under-mentioned gold coins only shall be coined at the Mint :—(1.)—A gold mohur or fifteen-rupee piece. (2.)—A five-rupee piece equal to a third of a goldmohur. (3.)—A ten-rupee piece equal to two-thirds of a gold mohur. (4.)—A thirty-rupee piece or a double gold mohur.

Their standard weight and fineness.

5. The standard weight of the said gold mohur shall be one hundred and eight grains Troy, and its standard fineness shall be as follows :—eleven-twelfths, or one hundred and sixty-five grains, of fine gold, and one-

twelfth, or fifteen grains, of alloy. The other gold coins shall be of proportionate weight and of the same fineness,

Remedy allowed.

Provided that, in the making of gold coins, a remedy shall be allowed of an amount not exceeding two thousandths in weight and two thousandths in fineness.

III.—Silver Coinage.

6. The under-mentioned silver coins only shall be coined at the Mint:—(1.)—A rupee to be called the Government Rupee. (2.)—A half rupee. (3.)—A quarter rupee, or four-anna piece. (4.)—An eighth of a rupee, or two-anna piece.

Silver coins.

7. The standard weight of the Government Rupee shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows :—eleven-twelfths, or one hundred and sixty-five grains, of fine silver, and one-twelfth, or fifteen grains, of alloy. The other silver coins shall be of proportionate weight and of the same fineness : Provided that, in the making of silver coins a remedy shall be allowed of an amount not exceeding the following :—

Their standard weight and fineness.

Remedy allowed.

	Remedy and weight.	Remedy in fineness.
Rupee	Five thousandths	Two thousandths
Half rupee		
Quarter rupee	Seven thousandths	Three thousandths
Eighth of a rupee	Ten thousandths	

IV.—Copper Coinage.

8. The under-mentioned copper coins only shall be coined at the Mint :—(1.)—A double pice, or half anna. (2.)—A pice, or quarter anna. (3.)—A half pice, or one-eighth of an anna. (4.)—A pie, being one-third of a pice, or one-twelfth of an anna.

Copper coins.

9. The weight of the double pice shall be two hundred grains Troy. The other coins shall be of proportionate weight : Provided that, in the making of copper coins, a remedy

Their weight.

Remedy allowed.

shall be allowed of an amount not exceeding one-fortieth in weight.

V.—Devices on Coins.

Present devices on coins.

10. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India" with such date and embellishments on each coin as the Governor General in Council from time to time determines.

Power to order other devices.

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe, in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

VI.—Legal Tender.

Gold coin not a legal tender.

12. No gold coin shall be a legal tender in payment or on account.

Rupees and half rupees a legal tender.

13. The said rupee and half rupee shall be a legal tender in payment or on account: Provided that the coin has not lost more than two per cent. in weight: Provided also that it has not been clipped or filed, or defaced or diminished, otherwise than by use.

Four-anna and two-anna pieces.

The quarter rupee and eighth of a rupee shall be legal tender only for the fractions of a rupee, subject to the second proviso contained in this section.

Copper coin when a legal tender.

14. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an anna; the pice for the sixty-fourth part of a rupee or for one-fourth of an anna; the half pice for the one hundred and twenty-eighth part of a rupee or for one-eighth of an anna; and the pie for the hundred and ninety-second part of a rupee or for one-twelfth of an anna: Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

15. All silver coin of the weight and standard specified in the Acts No. XVII of 1835, No. XXI of 1838, and No. XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender; and all copper coins of the weight specified in Acts No. XXI of 1835, No. XXII of 1844, and No. XIII of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender, shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

Coin made under former Acts.

VII.—Diminished, Counterfeit, and Called-in Coin.

16.—When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight, or to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing, or to be called-in by any proclamation, he may, by himself or another, subject to the rules which the Governor General in Council prescribes in this behalf, cut or break such coin.

Cutting certain silver coins.

17. If any coin so cut or broken is counterfeit, or has been reduced in weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

Return of cut coin.

But if it has been coined and issued by the authority of the Government of India, and has lost by reasonable wearing more than two per cent. in weight, or has been called-in by any proclamation, the officer cutting or breaking the same shall receive it at the rate of one rupee per tola.

Receipt of cut coin.

18. [All public servants are hereby indemnified for anything done heretofore, which they might lawfully have done if this Act had been in force, and if they had been authorized under

Indemnification of public servants.

section sixteen, and no suit or other proceeding shall be maintained against any such person in respect of anything so done.]

No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

Bar of suits for acts done bona fide.

VIII.—Coinage of Bullion.

19. Subject to the Mint Rules for the time being in force, the Mint Master shall receive all gold and silver bullion and coin brought to the Mint: Provided that such bullion and coin be fit for coinage: Provided also that the quantity so brought at one time by one person is not less, in the case of gold than fifty tolas, and, in the case of silver, than one thousand tolas.

Receipt of gold and silver bullion and coin.

20. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for coinage to the Mint in accordance with the said Mint Rules.

Duty on produce of gold bullion.

21. All silver bullion or coin brought for coinage to the Mint, in accordance with the said Mint Rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

Duty on produce of silver bullion.

22. A charge of one-fourth per mille on gold bullion and coin, and of one per mille on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint.

Charge for melting and cutting bullion.

23. All gold and silver bullion and coin brought to the Mint for coinage and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge on account of the loss and expense of refining as the Governor General in Council prescribes in this behalf.

Charge for refining.

Certificate for produce of bullion.

24. The Mint Master, on the delivery of gold or silver bullion or coin into the Mint for coinage, shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

Withdrawal of bullion.

25. The proprietor of any bullion or coin so delivered for coinage, who is dissatisfied with the Assay Master's report of its value, may, within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council, withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

Payment for gold bullion.

26. For all gold bullion and coin, in respect of which the Assay Master has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No. XVII of 1835 ; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins current in British India.

IX.—Power to make Rules.

Rules as to officers and management of the Mint.

27. The Governor General in Council may, from time to time, (1) fix the number and duties of the officers of, and persons employed in, the Mint : (2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and directions.

Rules by notification.

28. The Governor General in Council may also, from time to time, by notification in the *Gazette of India*, (1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any coin : (2) determine in the case of any coin the date and embellishments to be put thereon : (3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned : (4) prescribe rules for the guidance of officers authorized to cut or break coin under section sixteen : (5) prescribe the charge to be made on account of the loss and expense of refining : (6) determine

the period for which certificates granted under section twenty-four shall run: (7) fix the fee payable under section twenty-five: (8) establish a Mint at any place in British India, other than Calcutta and Bombay: (9) abolish any Mint so established or any Mint now existing in British India: (10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act: (11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II of 1812. ..	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees and other Coins, with certain Exceptions, at the Mints established at Calcutta, Furruckabad, and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the Coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the abovementioned Mints, respectively.
Bengal Regulation XIV of 1817 ...	A Regulation for amending certain Parts of Regulation II. of 1812.
Bengal Regulation XIV of 1818 ...	A Regulation for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins.
Bengal Regulation V of 1819 ..	A Regulation for modifying certain Parts of the Rules in force in regard to the Conduct of the Business of the Mints subordinate to this Presidency.
Act No. XVII of 1835 ...	Gold and Silver Coinage
Act No. XIII of 1862 ...	An Act to provide for a new Silver and a new Copper Coinage.

ACT XXIV of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 7th September* 1870.)

An Act to relieve from incumbrances the estates of Taluqdars in Oudh.

WHEREAS many of the taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows :—

Preamble.

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Oudh Taluqdárs' Relief Act."

Interpretation-clause.

2. In this Act, 'Chief Commissioner' means the Chief Commissioner of Oudh : 'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight : 'heir' means the person for the time being entitled under the same Act as heir to a taluqdár.

II.—VESTING ORDER.

Power to vest management of taluqdár's property in an officer appointed by Chief Commissioner.

3. Whenever, within twelve months after the passing of this Act, any taluqdár, or (when such taluqdár is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal curator, or the person who would be heir to such taluqdár if he died intestate, or (when such person is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal curator, applies in writing to the Chief Commissioner, stating that the taluqdár is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due, or liabilities incurred, to Government, and requesting that the provisions of this Act be applied to his case, the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager), and vest in him the management of the immoveable property of or to which the taluqdár is then possessed or entitled

in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

Effect of order.

4. On such publication, the following consequences shall ensue: *first*, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions and attachments for or in respect of such debts and liabilities shall become null and void; *secondly*, so long as such management continues, the taluqdár and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the taluqdár was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due, or liabilities incurred, to Government; nor shall their moveable property be liable to attachment or sale, under process of any Civil Court in British India, for or in respect of such debts and liabilities other than as aforesaid; and *thirdly*, so long as such management continues, (*a*) the taluqdár and his heir shall be incompetent to mortgage, charge, lease or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom, and (*b*) such property shall be exempt from attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

Bar of suits against taluqdár.

Taluqdár freed from arrest, and his moveable property from attachment for prior debts.

Cessation of his power to alienate.

Immoveable property freed from attachment.

III.—Duties of Manager.

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall, upon receiving such rents and profits, give receipts for the same.

Manager to receive rents and profits.

From the sums so received, he shall pay, *first*, the Government revenue, and all debts or liabilities for

And pay therefrom the Government demand, an annual sum for maintenance of the taluqdar and his heir, costs of repairs and improvements, costs of management, and the debts and liabilities.

the time being due or incurred to Government in respect of the said property: *secondly*, such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdár, his heir and their families: *thirdly*, the costs of such repairs and improvements of the property as appear necessary to the Manager and are approved by the Chief Commissioner: and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabilities of the taluqdár and his heir and their immoveable property, as may be established under the provisions hereinafter contained.

IV.—SETTLEMENT OF DEBTS.

Notice to claimants against taluqdar.

6. On the publication of the order vesting in him the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdù, calling upon all persons having claims against the taluqdár or his immoveable property to notify the same in writing to such Manager within three months from the date of the publication.

Copies of notice to be exhibited.

He shall also cause copies of such notice to be exhibited at the Tahsíldárs' Kachahrís in the District or Districts in which the said property lies and at such other places as the Manager thinks fit.

Claim to contain full particulars.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Documents to be given up.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Exclusion of documents not produced

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Debt or liability not duly notified, to be barred.

Provision for admission of claim within further period of nine months.

8. Every debt or liability (other than debts due, or liabilities incurred, to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred: Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of nine months from the expiration of the said period of three months.

Determination of debts and liabilities.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities due to the several creditors of the taluqdár and persons holding mortgages, charges or liens on the said property or any part thereof.

Appeal.

10. An appeal against any refusal, admission or determination under sections seven, eight or nine shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager if no such appeal has been so preferred, shall be final.

Scheme for settlement of debts and liabilities.

11. When the total amount of such debts and liabilities has been finally determined, the Manager shall prepare and submit to the Chief Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect. Until such approval is given, the Chief Commissioner

Power to return scheme for revision.

may, as often as he thinks fit, send back such scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation for the scheme.

Restoration of taluqdar to his property.

12. When all such debts and liabilities have been discharged, or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdár or his heir, the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Revival of barred proceedings and debts.

Where the taluqdár or his heir is so restored under the circumstances mentioned in the second clause of this section, the proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight, shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated unless his claim under the mortgage has been satisfied; and in calculating the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

V.—POWERS OF MANAGER.

Power to call for further particulars.

13. The Manager may, from time to time, call for further and more detailed particulars of any claim preferred before him under this Act, and may at his discretion refused to proceed with the investigation of the claim until such particulars are supplied.

Power to summon witnesses and compel production of documents.

14. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production

of documents by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

Power to administer oaths.

15. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be enquired into under this Act.

Investigation to be deemed a judicial proceeding.

Statements of persons examined, to be evidence.

16. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code. And every statement made by any person examined by or before the Manager with reference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

Manager to have powers of a taluqdar.

Power to remove mortgagee in possession.

17. The Manager shall have, for the purpose of realizing and recovering the rents and profits of the said immoveable property, the same powers as the taluqdár would have had for such purpose if this Act had not been passed. And if such property, or any part thereof, be in the possession of any mortgagee, the Manager may apply to the Court of the Deputy Commissioner within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinbefore contained.

Power to lease.

18. Subject to the rules made under section twenty, the Manager shall have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed upon.

19. The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluqdàr is subject, or with which his immoveable property or any part thereof is charged, by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication, or by selling, with the previous consent of the taluqdár and of the person (being of full age) who would be his heir if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient. And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted is raised. And the receipt of the Manager for any monies paid to him upon any mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof. The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

Power to raise money by mortgage or sale.

Manager's receipts.

VI.—MISCELLANEOUS.

20. The Chief Commissioner may, from time to time, make rules consistent with this Act in all matters connected with its enforcement. Such rules, when approved by the Governor General of India in Council, and published in the local official Gazette, shall have the force of law.

Power to make rules.

21. Whenever the Chief Commissioner thinks fit, he may appoint any officer to be a Manager in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager. Every such new Manager shall have the same powers as if he had been originally appointed.

Power to appoint new Managers.

22. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian PenalCode.

Managers to be public servants.

23. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

Bar of suits.

24. No petition, application, memorandum of appeal or other proceeding under this Act, shall be chargeable under the Court Fees Act, 1870.

Petitions, &c., under Act exempt from Court fees.

25. Nothing in this Act precludes the Courts of the Province of Oudh, having jurisdiction in suits relating to the succession to or rights of persons claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

Saving of jurisdiction of Courts in Oudh in respect of certain suits.

ACT XXV of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October 1870).

An Act to legalize the levy of certain duties on timber imported into Maulmain.

WHEREAS certain duties were in the years 1864 and 1865 levied on foreign timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:—

Preamble.

1. All duties levied between the first day of July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

Legalization of levy of duties.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

Indemnity-clause.

ACT XXVI of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October 1870).

THE PRISONS' ACT, 1870.

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An Act to amend the law relating to Prisons.

Preamble.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjáb, Oudh, the Central Provinces, and British Burma, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Prisons' Act, 1870."

Local extent.

It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma. And it shall come into force on the first day of December 1870.

Commencement of Act.

Repeal of enactments.

2. On and after that day the enactments mentioned in the schedule to this Act annexed shall be repealed to the extent specified in the third column of the said schedule.

Interpretation clause.

"Prison." "Criminal prisoner." "Civil prisoner."

3. In this Act—"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison; "criminal prisoner" means any prisoner charged with or convicted of a crime; and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

CHAPTER II.

MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation.

4. The Local Government shall provide for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison. Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjáb by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council. In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situated in the territories under such Government.

Officers of prison.

7. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary. Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

Appointment of Officers.

8. The Local Government shall appoint the Superintendent and the Medical Officer and the Deputy Medical Officer. The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler. The Superintendent shall also appoint the subordinate officers.

Salaries, suspension and dismissal of officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of

India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him: provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.

DUTIES OF OFFICERS.

Generally.

Officers to obey Superintendent.

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Officers not to sell or let to prisoners.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners; nor to benefit by sales.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

Duties of Superintendent.

13. Subject to the orders of the Inspector General of Prisons, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control; correspond on all matters connected with the prison with and through the Inspector General; submit to the Inspector General all bills of prison expenditure with proper vouchers for audit; report to the Inspector-General from time to time, as they occur, all escapes and recaptures, and all out-breaks of epidemic

disease; send to the Inspector-General returns of all prisoners sentenced to transportation; periodically inspect all property of the Government in his charge, and report thereon to the Inspector General; and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

Medical Officer.

Power to make rules as to Medical Officer's duties.

14. The Local Government shall make rules as to each of the following matters :— how often the Medical Officer shall visit the prison and see each prisoner : the records to be made respecting sick prisoners : periodical inspection of every part of the prison : reports on its cleanliness, drainage, warmth and ventilation : reports on the provisions, water, clothing and bedding supplied to the prisoners. The Medical Officer shall obey such rules.

Medical Officer to obey such rules.

To report special cases.

15. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

To make entries as to death of prisoners.

16. On the death of any prisoner, the Medical Officer shall forthwith record in writing the following particulars, namely,—when the deceased was taken ill, when the Medical Officer was first informed of the illness, the nature of the disease, when the prisoner died, and (in cases where a *post mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required.

Deputy Medical Officer.

17. Where a Deputy Medical Officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by

the Medical Officer. When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a Subordinate Medical Officer to act as a substitute for the Medical Officer, and the Subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

Subordinate Medical Officer.

Gaoler.

18. The Gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

Residence of Gaoler.

19. The Gaoler shall deliver to the Medical Officer daily a list of such prisoners as are confined in punishment-cells.

To deliver list of prisoners confined in punishment cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

To give notice of death of prisoners.

21. The Gaoler shall keep, or cause to be kept, the following records :—(1) A register of warrants ; (2) a book showing when each prisoner is to be released ; (3) a punishment-book for the entry of the punishments inflicted for prison-offences ; (4) a visitor's book for the entry of any observations made by visitors to the prison ; (5) a record of the money and other articles taken from prisoners ; and all such other records as may be prescribed by rules made under section fifty-four.

To keep enumerated books and accounts.

22. The Gaoler shall be responsible for the safe custody of the records to be kept by him under section twenty-one, and also for the commitments and all other documents confided to his care.

Responsible for safe custody of documents.

23. The Gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent ; but

Not to be absent without leave.

if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

Deputy Gaoler.

24. Where a Deputy Gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

Subordinate Officers.

Powers of Gate-Porter.

25. The officer acting as Gate-Porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler.

Subordinate officers not to be absent without leave.

26. Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

Prisoners to be searched on entrance.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Medical Officer, who shall enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add.

28. All money or other effects in respect whereof no order of a competent court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler.

Effects of criminal prisoners retained.

29. All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer. No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal. No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

Medical examination before removal and discharge of prisoners.

CHAPTER V.

DISCIPLINE OF PRISONERS.

30. The requisitions of this Act, with respect to the separation of prisoners, are as follows:—(1.)—In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men: (2.)—In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners: (3.)—Criminal prisoners before trial shall be kept apart from convicted prisoners: (4.)—Civil prisoners shall be kept apart from criminal prisoners.

Requisitions of Act as to separation of prisoners.

31. The Local Government shall have power to make rules—(1) as to what cells only shall be used for the separate confinement of prisoners; (2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

Rules as to separate confinement.

32. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Cells to be furnished with means of communication.

33. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Prisoners under sentence of death.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.

Food, Clothing and Bedding of Prisoners.

34. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding, or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner may maintain himself.

35. No part of any food, clothing, bedding or other necessaries belonging to any Civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

Civil prisoner not to sell provisions.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

Allowance of clothing and bedding.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

Judgment-creditor to defray such allowance.

CHAPTER VII.

Employment of Prisoners.

Work and earnings of civil prisoners.

37. Civil prisoners may, with the Superintendent's permission, work and follow their respective trades and professions.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Examination by Medical Officer of labouring prisoners.

38. The Medical Officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

Employment of prisoners sentenced to simple imprisonment.

39. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.

Health of Prisoners.

Names of sick prisoners to be reported to Gaoler.

40. The names of prisoners desiring to see the Medical Officer or appearing out of health in mind or body shall be reported by the officer attending them to the Gaoler.

Gaoler to report them to Medical Officer.

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by Medical Officer.

41. All directions given by the Medical Officer in relation to any prisoner, with the exception of the orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

Infirmaries.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to and Correspondence of Prisoners.

Visits to prisoners.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate. The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

Correspondence of prisoners.

Power of Gaoler as to visitors.

44. The Gaoler may demand the name and address of any visitor to a prisoner; and, when the Gaoler has any ground for suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.

OFFENCES IN RELATION TO PRISONS.

Carrying liquor, tobacco or drugs into prison, suffering liquor, tobacco or drugs to be sold or used in prison, carrying letters into and out of prison, abetment of such offences.

45. Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug, and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations, and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place, and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both.

Notice of penalties to be placed outside prison.

46. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

CHAPTER XI.

PRISON OFFENCES.

List of prison offences.

47. The following acts are declared to be offences against prison discipline :—(1) wilful disobedience to the regulations of the prison by any prisoner; (2) assaults or use of criminal force by any prisoner; (3) insulting or threatening language by any prisoner to any officer or prisoner; (4) indecent or disorderly behaviour by any prisoner;

(5) wilfully disabling himself from labour; (6) contumaciously refusing to work; (7) filing or cutting irons or bars; (8) idleness or negligence at work by any convicted criminal prisoner; (9) wilful mismanagement of work by any convicted criminal prisoner; (10) wilful damage to prison property; (11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Superintendent's power to punish prison offenders.

48. The Superintendent may examine any person touching such offences, and determine thereupon, and punish such offences, (1) by imprisoning the offender in solitary confinement for any time not exceeding seven days; (2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe; (3) by corporal punishment not exceeding thirty stripes of a ratan; or (4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

Punishment of prisoners by Magistrate.

49. If any prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline which the Superintendent thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District. Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished by confinement in a punishment-cell or in irons for any term not exceeding six months, or by corporal punishment not exceeding thirty stripes of a ratan, or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is under-

going imprisonment. Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

50. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officer ill-treating prisoners or violating rules.

51. Every Gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both. Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines. No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.

MISCELLANEOUS.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

52. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the Superintendent may so confine them.

Confinement in irons by Gaoler of his own authority.

53. Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and notice thereof shall be forthwith given to the Superintendent. Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the

time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

Power to make supplementary prison rules.

54. The Local Government may, from time to time, make rules consistent with this Act, (1) for the government of prisons and for the guidance of all officers appointed hereunder: (2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon: (3) as to the food and clothing of criminal prisoners: (4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts: (5) for remission of sentences: (6) for rewards for good conduct; and (7) for the appointment and guidance of visitors of prisons. Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

Present rules.

55. All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Exercise of powers of Superintendent.

56. All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoint in this behalf.

SCHEDULE.

Number and year.	Title.	Extent of repeal.
Bengal Regulation XIV of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads, or other Public works:—also to place the Jail at Allypore, in the Vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	So much as has not been repealed.
Bengal Regulation XVII of 1816.	For the occasional Revision of the regular Police and Jail Establishments; for the due Support and Regulation of the Establishments of chokeedars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	Sections fourteen and eighteen.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation XIV, 1816, and for modifying the Rule contained in Section III, Regulation IV, 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those officers to maintain good Order and Discipline among the Convicts and their Guards.	The whole.
Bengal Regulation II of 1834.	For abolishing Corporal punishment; for substituting a Fine in certain Cases for a Sentence of Labour; and for the gradual Introduction of a better System of Prison Discipline.	So much as has not been repealed.
Act No. XVIII of 1844.	For the better control and management of Gaols within the Bengal Presidency.	The whole.

ACT XXVII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 25th November* 1870).

An Act to amend the Indian Penal Code.

Preamble. For the purpose of amending the Indian Penal Code; It is hereby enacted as follows:—

1. For section thirty-four of the said Code, the following section shall be substituted:—

Liability for act done by several persons in furtherance of common intention. "34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."

2. For section forty of the said Code, the following section shall be substituted:—

Offence. "40. Except in the chapter and sections mentioned in clauses two and three of this section, the word 'offence' denotes a thing made punishable by this Code.

"In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word 'offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

"And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine."

3. Section fifty-six of the said Code shall be read as if the following proviso were added thereto:—

Proviso as to sentence for term exceeding ten years, but not for life. "Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."

4. After section one hundred and twenty-one of the said Code, the following section shall be inserted:—

Conspiracy to commit offences punishable by section 121.

"121A. Whoever within or without British India conspires to commit any of the offences punishable by section one hundred and twenty-one, or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

"*Explanation.*—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof."

5. After section one hundred and twenty-four of the said Code, the following section shall be inserted:—

Exciting disaffection.

"124A. Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

"*Explanation.*—Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause."

Addition to section 131.

6. Section one hundred and thirty-one of the said Code shall be read as if the following Explanation were added thereto:—

"*Explanation.*—In this section the words 'officer' and 'soldier' include any person subject to the Articles of

War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. V of 1869."

Amendment of sections 194 and 195.

7. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code shall be read as if, after the words 'by this Code,' the words 'or the law of England' were inserted.

Amendment of sections 222 and 223.

8. Sections two hundred and twenty-two and two hundred and twenty-three of the said Code shall be construed as if, after the word 'offence,' the following words were inserted (that is to say), "or lawfully committed to custody;" and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), "or if the person was lawfully committed to custody."

9. After section two hundred and twenty-five of the said Code, the following section shall be inserted :—

Escape from custody for failing to furnish security.

"225A. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security for good behaviour, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

10. After section two hundred and ninety-four, and before Chapter XV of the Indian Penal Code, the following section shall be inserted :—

Keeping lottery-office.

"294A. Whoever keeps any office or place for the purpose of drawing any lottery not authorised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

"And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto :—

"When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death."

Attempts by life-convicts.

12. After section three hundred and four of the same Code, the following section shall be inserted.

"304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Causing death by negligence.

13. The following chapters of the same Code, namely, IV (*General Exceptions*), V (*Of Abetment*), and XXIII (*Of Attempts to commit Offences*) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said Chapters IV and V shall apply to offences punishable under the said sections 124A and 225A.

Application of certain chapters of Penal Code.

14. No charge of an offence punishable under any of the said sections 121A, 124A and 294A shall be entertained by any Court unless the prosecution be instituted by order of, or under authority from, the Local Government.

Order of Local Government necessary to prosecution under section 121A, 124A, or 294A.

15. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

Saving of special and local laws.

16. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure.

Schedule I to be part of schedule to Criminal Procedure Code.

17. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein.

Repeal of enactments.

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124 A.	Exciting or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ...	Bailable.	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the First Class.
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THE SECOND SCHEDULE.

Number and year.	Title.	Extent of repeal.
Statute 9 Geo. IV, Cap. seventy-four.	An Act for improving the administration of criminal justice in the *East Indies*.	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty one, twenty-three to twenty-six (inclusive), thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six and one hundred and ten.
Act No. V of 1844 ...	An Act for the supression of all lotteries not authorized by Government.	The whole.
Act No. IV of 1867 ...	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes.	The whole.

ACT XXVIII of 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 16*th December* 1870.)

An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

Preamble.

WHEREAS Act No. XXI of 1863, (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns*), section forty-one, enacts that European British subjects arrested for or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; and whereas the Andaman Islands form part of the said Provinces; And whereas

it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Fort William; It is hereby enacted as follows :—

European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort Willam.

1. Every European British subject charged in the Andaman Islands with any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal jurisdiction.

Act XXI of 1863, section forty-one, repealed as to the Andamans.

2. Act No. XXI of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed.

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